



# FOREIGN ASSETS CONTROL REGULATIONS FOR THE FINANCIAL COMMUNITY

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## I. Introduction

The Office of Foreign Assets Control (OFAC) administers a series of laws that impose economic sanctions against hostile targets to further U.S. foreign policy and national security objectives. Economic sanctions are powerful foreign policy tools. Their success requires the active participation and support of every financial institution. The use of sanctions by the U.S. goes back to the earliest days of the Republic through trade embargoes, blocked assets controls, and other commercial and financial restrictions. Many of them have been multilateralized within the global community against pariah countries, as well as being used against groups, such as narcotics traffickers and terrorists, who threaten the security, economy, and safety of the United States. Management of sanctions on the U.S. side is entrusted to the Secretary of the Treasury.

While OFAC is responsible for promulgating, developing, and administering the sanctions for the Secretary under eight basic statutes, all of the bank regulatory agencies cooperate in ensuring financial institution compliance with the Regulations.

OFAC has designed this brochure to provide convenient, concise, up-to-date, helpful information about its programs, including information on the laws and regulations OFAC administers. We have tried to be complete and accurate. We must caution readers, however, that there is no substitute for reading the actual statutes, regulations, and other documents that apply. Those are controlling in the event of any inconsistency with material in this brochure.

## II. OFAC Laws, Embargoed Countries, and Criminal Penalties

A—Trading With the Enemy Act, 50 U.S.C. App. §§§§ 1-44 (“TWEA”) [North Korea, Cuba, Transaction Control Regulations] provides for ten years imprisonment, a USD1,000,000 fine for corporations, and a \$100,000 fine for individuals, as well as forfeiture of funds or other property involved in violations [In addition, 18 U.S.C. §§ 3571 provides that organizations or individuals convicted of violating a criminal statute may be fined the greater of the amount specified in the statute, or twice the pecuniary gain or loss from the violation and that individuals may be fined \$250,000 for felonies];

B—International Emergency Economic Powers Act, 50 U.S.C. §§§§ 1701-06 (“IEEPA”) [Libya, Iraq, Diamond Trading, Liberia, Sudan, Iran, Zimbabwe, the Balkans, Terrorism, Narcotics, Nonproliferation, and Burma] provides for ten years imprisonment, and a USD50,000 fine for corporations and individuals [In addition, 18 U.S.C. §§ 3571 provides that organizations or individuals convicted of violating a criminal statute may be fined the greater of the amount specified in the statute, or twice the pecuniary gain or loss from the violation, or \$500,000 for felonies and that individuals may be fined \$250,000 for felonies];

C—Iraqi Sanctions Act, Pub.L. 101-513, 104 Stat. 2047-55 (“ISA”) [Iraq] provides for twelve years imprisonment and a USD1,000,000 corporate or personal fine [In addition, 18 U.S.C. §§ 3571 provides that organizations or individuals convicted of violating a criminal statute may be fined the greater of the amount specified in the statute, or twice the pecuniary gain or loss from the violation];

D—United Nations Participation Act, 22 U.S.C. §§ 287c (“UNPA”) [Iraq, Libya (part), Diamond Trading, and Liberia] provides for ten years imprisonment, a \$10,000 criminal fine for corporations and individuals,

and criminal forfeiture of funds or other property involved in violations [In addition, 18 U.S.C. §§ 3571 provides that organizations or individuals convicted of violating a criminal statute may be fined the greater of the amount specified in the statute, or twice the pecuniary gain or loss from the violation, or \$500,000 for felonies and that individuals may be fined \$250,000 for felonies];

E—International Security and Development Cooperation Act (“ISDCA”) codified at 22 U.S.C. 2349 aa-9 (Iran) has no criminal penalties, but general Customs and other relevant penalty provisions may apply to particular circumstances;

F—The Cuban Democracy Act (“CDA”), 22 U.S.C. §§ 6001-10 [relating to Cuba] has the same fines as TWEA above;

G—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, 22 U.S.C. 6021-91, [relating to Cuba] has the same fines as TWEA above and codifies the Cuban Assets Control Regulations;

H—The Antiterrorism and Effective Death Penalty Act, (enacting 8 U.S.C. 219, 18 U.S.C. 2332d and 18 U.S.C. 2339b) [Cuba, North Korea, Iran, Iraq, Libya, Syria and Sudan] provides for criminal penalties of \$500,000 per count against corporations, and ten years imprisonment and/or \$250,000 per count for individuals, for willful violations;

I—The Foreign Narcotics Kingpin Designation Act, Pub L. No. 106-120, tit. VIII, 113 Stat 1606, 1626-1636 (1999) (to be codified at 21 U.S.C. §§§§ 1901-1908) provides for criminal penalties of \$10,000,000 per count against corporations, and thirty years imprisonment and/or \$5,000,000 per count for individuals, for wilful violations;

J—The Criminal Code at 18 U.S.C. §§ 1001 provides for five years imprisonment and a USD10,000 criminal fine for knowingly making false statements or falsifying or concealing material facts when dealing with OFAC in connection with matters under its jurisdiction.

## III. Civil Penalties

OFAC has authority to impose civil penalties for violations under IEEPA (USD11,000), TWEA and the Libertad Act(USD55,000), the Iraqi Sanctions Act (USD275,000), the Antiterrorism Act (USD50,000 or two times the amount that should have been blocked, whichever is greater), and the Foreign Narcotics Kingpin Designation Act (USD1,000,000). Each set of regulations contains procedures for Civil Penalties in Sections 701 through 706 of the pertinent regulations. Over the past several years, OFAC has had to impose millions of dollars in civil penalties involving U.S. banks. The majority of the fines resulted from banks’ failure to block illicit transfers when there was a reference to a targeted country or SDN. When it comes to OFAC’s attention that an illicit transaction was processed through a U.S. bank, without being blocked or rejected, as appropriate, OFAC normally sends an administrative demand for information, called a “602 letter,” to the bank requesting an explanation of how the transaction was processed. Upon receipt of the bank’s response to this letter, the case may be referred to the Civil Penalties Division, which issues a “Prepenalty Notice” citing the violation and stating the amount of the proposed penalty. The bank then has thirty days to make a written presentation as to why a penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed. It is critical for banks to answer such “Prepenalty Notices” since failure to respond may result in default judgements levying maximum fines. Mitigating factors in Civil Penalty procedures include self-disclosure, the use and sophistication of interdict software, and other bank compliance

initiatives. TWEA civil penalty and forfeiture proceedings include the opportunity for an administrative hearing and pre-hearing discovery prior to imposition of a penalty or forfeiture.

#### IV. Compliance Programs and Audit Procedures

The importance of establishing a compliance program and developing internal audit procedures should be obvious to every financial institution. Definite expectations exist with regard to the processing of transactions involving countries under sanctions. Banks are required to report all blockings to OFAC within ten days of occurrence. If your bank does not block and report a transfer and another bank does, then your bank is in trouble. A bank in non-compliance may be opening itself to adverse publicity, fines, and even criminal penalties (if violations are other than inadvertent).

It is often difficult to balance the demands of Federal and State bank examiners with limitations on time, resources, and manpower imposed by bank management. While every financial institution must comply with the same laws and regulations, no one compliance program can be prepackaged for everyone in the open marketplace. Every program must be tailored to meet the needs and structure of individual financial institutions.

Over the past several years, the banking industry has developed special software to "interdict" illicit funds transfers. Many filters contain every name on OFAC's list of Specially Designated Nationals and Blocked Entities along with generic words for countries and cities. Most of the systems screen every field in incoming payment orders. When such a system identifies a designated name in a transfer, the transfer is automatically rejected and the system directs a reviewer to the illicit reference. Though many of the systems were initially designed to reduce the risk that a clerk might manually process a repair item with an illicit reference, interdict software is now widely used to scan "straight-through" transactions as well. While OFAC does not treat even completely automated processing of violative transactions as a full defense in civil penalty proceedings, it does favorably consider a bank's business decision to use interdict software as well as other good faith manual and electronic compliance efforts in determining mitigation.

The Federal Bank Regulatory Agencies review financial institutions under their supervision to determine the adequacy of compliance programs with regard to OFAC Regulations.

It is suggested that every bank designate a "Compliance Officer" responsible for monitoring compliance with its programs and an officer responsible for overseeing blocked funds. Formal compliance responsibilities may also be assigned to all operations and systems managers. Internal auditing departments could be charged with assisting in the development of "corporate compliance memoranda" and verifying that procedures, once established, are being followed. One financial institution included the following paragraph in one of its "compliance memoranda":

Areas designated as responsible for implementation of compliance requirements, policies, and procedures which are set forth in this Corporate Compliance Memorandum will incorporate them into new or existing operational procedures. To assure the implementation of this policy, designated units must return the enclosed implementation letter verifying that their area has implemented the necessary procedures. If any unit has any questions concerning the policies and procedures, it should contact Corporate Compliance.

An in-depth audit of each department in the bank should probably be conducted at least once a year. The compliance audit may either be incorporated into a bank's standard auditing program or conducted separately. Internal auditing departments ought not be surprised if they are questioned by Federal Bank Examiners about their bank's compliance procedures regarding OFAC Regulations.

An effective internal communication network is critical for regulatory compliance. Banks might consider including regulatory notices and explanations in staff newsletters. Compliance training programs ought to be initiated-reviewing regulations in staff meetings, incorporating compliance requirements into operating procedures, and joining with other banks to sponsor seminars.

All of OFAC's program "brochures," as well as SDN information, are available free in downloadable camera-ready Adobe Acrobat® "/\*.PDF" format over the Treasury Department's World Wide Web Server. OFAC's Home Page site is <<http://www.treas.gov/ofac>>. The Page also contains a self-extracting ASCII file of the SDN list in DOS, delimited, fixed-field, and country-specific versions, a free Adobe Acrobat Reader® to view and print "/\*.PDF" files, access to all OFAC-related Executive Orders, U.N. Resolutions, statutes, regulations, and the *Code of Federal Regulations* as well as to brochures in ASCII format, and to OFAC's extended electronic information reading room at GPO (FAC\_MISC). All of OFAC's "forms," including its Annual Report on Blocked Property, Cuban Remittance Affidavit, and license application are electronically available on the site. Whenever there is a change involving urgent information requiring immediate implementation, the [DATE] changes on the face of the primary Page; users can automate their compliance by structuring their Internet connection to use a Web browser to watch for that date change, check a "Bulletin" file to get the details about changes, and download OFAC's latest information for incorporation, for example, into interdiction software. There is also a separate date-indicator for OFAC's SDN list. OFAC has a secondary Page on the site (at <<http://www.treas.gov/ofac/policy.html>>) entitled "Recent OFAC Actions of Interest" which contains a separate "What's New" file with its own date. Those not directly involved in operations areas can automate their ability to keep current with OFAC's general information by structuring their Internet connection to use their Web browser to watch for that date change on the secondary Page, check the "What's New" file to get the details about changes, and download OFAC's latest information. There may be times when the date on the secondary Page will be later than the date on the primary Page because some OFAC "Actions of Interest" may not rise to the level of an urgent bulletin. Call OFAC Compliance at 1-800-540-6322 with any questions. OFAC also operates a free automated fax-on-demand service, which can be accessed 24 hours a day, seven days a week, by dialing 202/622-0077 from any touchtone phone and following voice prompts. OFAC documents kept up to date on the system include program and general brochures, listings of Specially Designated Nationals and Blocked Persons, including changes to the listings, licensing guidelines, and *Federal Register* notices (including notices filed, but not yet printed in the *Federal Register*). The "Index of Available Documents" is date-specific. Whenever there is an update to any OFAC regulation, an addition or removal of an SDN, or any other announcement from OFAC which affects banks, both the International Financial Services Association in New York (<<http://www.intlbanking.org>>) and the International Banking Operations Association in South Florida (<<http://www.iboa.com>>) are alerted. The U.S. Commerce Department operates a monthly subscription CD-Rom service (the *National Trade Data Bank*) with OFAC data in ASCII format (call 202/482-1986 for information). The free *Federal Bulletin Board* of the U.S. Government Printing Office, which is linked to the *Federal Register* and *Code of Federal Regulations*, carries all OFAC brochures in ASCII and Adobe/Acrobat "/\*.PDF" format, as well as the entire *Code of Federal Regulations* containing

OFAC regulations, all *Federal Register* notices that OFAC puts out, and OFAC's extended electronic information reading room (FAC\_MISC). For information on the *Federal Bulletin Board* call 202/512-1530 or dial 202/512-1387 to connect. The information is also available over the Internet via GPO ACCESS at <fedbbs.access.gpo.gov>. The U.S. Maritime Administration's Web site at <http://marad.dot.gov> contains a special link to OFAC's brochures and information, including a flashing indicator of late-breaking updates. The U.S. Customs Service maintains a free *Customs Electronic Bulletin Board* geared especially toward Customs House Brokers (OFAC's information is available as a date-specific self-extracting DOS file, "OFAC\*.EXE" under "Files," and then "Customs Extra!," via the Internet at <http://209.122.8.97> or "cebb.customs.treas.gov." Major announcements are also distributed to U.S. financial institutions through Fedwire bulletins and CHIPS system broadcasts, as well as, from time to time, in printed format through the various Federal bank supervisory agencies. Numerous other industry groups link to OFAC's website, among them: the National Association of Securities Dealers (<http://www.nasdr.com>), the Securites and Exchange Commission (<http://www.sec.gov>), the Securities Industry Association (<http://www.sia.com>), the American Society of Travel Agents (<http://www.astanet.com>), the Institute of Real Estate Management (<http://www.irem.org>), and the Commercial Investment Real Estate Institute (<http://www.cre.org>).

The Office of Foreign Assets Control has installed a special toll-free telephone number, **1-800-540-OFAC (6322)**, for bank compliance inquiries. The number is specifically for the use of financial institutions and bank examiners. OFAC also has a Miami branch office (909 Southeast First Avenue, Suite 735A) with a special bi-lingual hotline relating to information about the Cuban embargo; that hotline number is 305/810-5170.

## V. Terminology

There are a number of key phrases which consistently reappear in Treasury sanctions:

### **A—Blocking**

Also called "freezing," this is a form of controlling assets under U.S. jurisdiction. While title to blocked property remains with the designated country or national, the exercise of the powers and privileges normally associated with ownership is prohibited without authorization from OFAC. Blocking immediately imposes an across-the-board prohibition against transfers or transactions of any kind with regard to the property.

### **B—Blocked Account**

An account with respect to which payments, transfers, withdrawals or other dealings may not be made except as licensed by OFAC or otherwise authorized by the Treasury Department. Debits are prohibited, however, credits are authorized.

### **C—General License**

A regulatory provision authorizing certain transactions without the filing of an application with OFAC. Its terms are listed in the appropriate Regulations. The concept is similar in meaning to that employed by the U.S. Department of Commerce. Transactions consistent with normal banking practice are frequently permitted by general license. For questions about general licenses, contact OFAC at 202/622-2520

### **D—Specific License**

A permit issued by OFAC on a case-by-case basis to a specific individual

or company allowing an activity that would otherwise be prohibited by the embargo or sanctions program. OFAC specific licenses (which may take the form of a letter or a license) are always issued on U.S. Treasury Department stationary. Applications for the release of blocked funds must be presented in an original letter, signed by the applicant, which has been mailed or otherwise physically delivered to OFAC. Fax applications are strongly discouraged and you should notify your correspondent banks accordingly. Each license or letter of authorization bears a control number that can be verified by calling OFAC Licensing at 202/622-2480.

### **E—Offset**

Exercise of the right to net out mutual indebtedness. Offset is a prohibited transfer of frozen assets in situations of blocked property. When foreign assets held by an American company (including a bank) are frozen, the assets and any claims which the American company may have against the foreign owner are kept separate.

### **F—Property**

Anything of value. Examples of property include: money, checks, drafts, debts, obligations, notes, warehouse receipts, bills of sale, evidences of title, negotiable instruments, trade acceptance, contracts, and anything else real, personal, or mixed, tangible or intangible, "or interest or interests therein, present, future, or contingent." Practically everything that banks do every day involves "property" within the meaning of the regulations. Likewise, "property interest" is defined as any interest whatsoever, direct or indirect.

### **G—Person Subject to the Jurisdiction of the United States**

The universe which must comply with OFAC regulations. It includes American citizens and permanent resident aliens wherever they are located; individuals and entities located in the United States (including all foreign branches, agencies, rep offices, etc.); corporations organized under U.S. law, including foreign branches; and (under TWEA based sanctions) entities owned or controlled by any of the above, the most important being foreign-organized subsidiaries of U.S. corporations.

### **H—Specially Designated Nationals and Blocked Persons**

Individuals and entities which are owned or controlled by, or acting for or on behalf of, the Governments of target countries or are associated with international narcotics trafficking or terrorism. These individuals and entities are listed on the Treasury Department's Specially Designated Nationals and Blocked Persons list so that persons subject to the jurisdiction of the United States will know that they are prohibited from dealing with them and that they must block all property within their possession or control in which these individuals and entities have an interest.

### **I—Census**

Comprehensive statistical survey of blocked assets conducted from time to time by OFAC. Response is mandated by law. The information obtained from the survey is of vital importance to the U.S. Government for foreign policy planning purposes, to assist Treasury in the preservation of blocked assets, and to enhance their value for U.S. claimants, including financial institutions.

## VI. Bank Responsibility by Country

### A—CUBA

The Cuban Assets Control Regulations, 31 CFR Part 515 (the “Regulations”) were issued by the U.S. Government on 8 July 1963 under the Trading With the Enemy Act in response to certain hostile actions by the Cuban government. They are still in force today and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches and subsidiaries of U.S. organizations throughout the world. The Regulations are administered by the U.S. Treasury Department’s Office of Foreign Assets Control. The basic goal of the sanctions is to isolate the Cuban government economically and deprive it of U.S. dollars. Criminal penalties for violating the sanctions range up to 10 years in prison, \$1,000,000 in corporate fines, and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed. Please note that the Regulations require those dealing with Cuba to maintain records and, upon request from the U.S. Treasury Department, to furnish information regarding such dealings.

• **EXPORTING TO CUBA** - Except for publications, other informational materials (such as CDs and works of art), certain donated food, and certain goods licensed for export or re-export by the U.S. Department of Commerce (such as medicine and medical supplies, food, and agricultural commodities), no products, technology, or services may be exported from the United States to Cuba, either directly or through third countries, such as Canada or Mexico. This prohibition includes dealing in or assisting the sale of goods or commodities to or from Cuba, even if done entirely offshore. Such brokering is considered to be dealing in property in which Cuba has an interest. Provision of consulting services is also prohibited. Thus, no U.S. citizen or permanent resident alien, wherever located, and no foreign subsidiary or branch of a U.S. organization may export products, technology, or services to Cuba or to any Cuban national, wherever they may be located, or broker the sale of goods or commodities to or from Cuba or any Cuban national.

Pursuant to provisions of the Cuban Democracy Act of 1992 (the “CDA”) and the Trade Sanctions and Export Enhancement Act of 2000 (the “TSRA”), the Commerce Department authorizes the sale and export or re-export of medicine and medical supplies, food and agricultural commodities to Cuba. Those interested in engaging in such exports or reexports must first obtain authorization from the Commerce Department’s Bureau of Export Administration. All licensed sales may be financed by cash-in-advance or by third - country banks that are not Specially Designated Nationals. Foreign subsidiaries of U.S. banks are authorized to directly finance licensed sales of agricultural products. All U.S. banks may advise or confirm any of the above.

Section 1705(b) of the CDA provides for donations of food to independent non-governmental organizations or individuals in Cuba. Shipments of food can be donated to non-governmental organizations from the U.S. or from third countries without the need for a license from the U.S. government. The CDA specifically provides that payments to Cuba involving telecommunications may be made pursuant to specific license. In the mid-1970s, Section 515.559 was added to the Regulations to allow OFAC to license foreign subsidiaries of U.S. firms to conduct trade in commodities with Cuba so long as several specific criteria were met. Section 1706(a) of the CDA, however, prohibits the issuance of a license that would have been issued pursuant to Section 515.559, except where a contract was entered into prior to enactment of the CDA or where the exports at issue are medicines or medical supplies.

Unless otherwise authorized, no vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any

interest may enter a U.S. port. The prohibition also applies to vessels which enter only to take on fuel and supplies (bunker), whether from U.S. fuel providers within the port limits or at offshore points, as well as vessels discharging or loading merchandise offshore, by lighter or otherwise. In addition, vessels which enter a port or place in Cuba to engage in the trade of goods or services are prohibited from loading or unloading any freight at any place in the U.S. for 180 days. Prohibited entry does not apply to vessels engaging solely in trade with Cuba authorized by license or exempt from the Regulations (e.g., vessels carrying authorized exports of agricultural products, or donations of food to nongovernmental organizations or individuals).

• **IMPORTING CUBAN-ORIGIN GOODS OR SERVICES** - Goods or services of Cuban origin may not be imported into the United States either directly or through third countries, such as Canada or Mexico. The only exceptions are: \$100 worth of Cuban merchandise which may be brought into the United States as accompanied baggage by authorized travelers arriving from Cuba; publications, artwork, or other informational materials; merchandise other than tobacco or alcohol and not in commercial quantities carried as accompanied baggage by foreign persons legally entering the United States; and merchandise for which a specific license has been received.

• **TRANSACTIONS INVOLVING PROPERTY IN WHICH CUBA OR A CUBAN NATIONAL HAS AN INTEREST** - In addition to the prohibitions on exports to and imports from Cuba, the Regulations prohibit any person subject to U.S. jurisdiction from dealing in any property in which Cuba or a Cuban national has an interest. Under the Regulations, “property” includes but is not limited to contracts and services. For example, unless otherwise authorized, persons subject to U.S. jurisdiction (including U.S. overseas subsidiaries) may not purchase Cuban cigars in Mexico; may not sign a contract with a U.K. firm if the contract terms include Cuba-related provisions (even if those provisions are contingent upon the lifting of the embargo); and may not provide accounting, marketing, sales, or insurance services to a Cuban company or to a foreign company with respect to the foreign company’s Cuba-related business.

• **SPECIALLY DESIGNATED NATIONALS** - The Regulations prohibit buying from or selling to Cuban nationals whether they are physically located on the island of Cuba or doing business elsewhere on behalf of Cuba. Individuals or organizations who act on behalf of Cuba anywhere in the world are considered by the U.S. Treasury Department to be “Specially Designated Nationals” of Cuba. A non-exhaustive list of their names is published in the Federal Register, an official publication of the U.S. Government. This list may be obtained by calling the Office of Foreign Assets Control at 202/622-2490. The listing, however, is a partial one and any individual or organization subject to U.S. jurisdiction engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not acting on behalf of Cuba. Individuals and organizations subject to U.S. jurisdiction who violate the Regulations by transacting business with Specially Designated Nationals of Cuba are subject to criminal prosecution or civil monetary penalties.

• **ACCOUNTS AND ASSETS** - There is a total freeze on Cuban assets, both governmental and private, and on financial dealings with Cuba; all property of Cuba, of Cuban nationals, and of Specially Designated Nationals of Cuba in the possession or control of persons subject to U.S. jurisdiction is “blocked.” Any property in which Cuba has an interest which comes into the United States or into the possession or control of persons subject to U.S. jurisdiction is automatically blocked by operation

of law. Banks receiving unlicensed wire transfer instructions in which there is a Cuban interest, or any instrument in which there is a Cuban interest, must freeze the funds on their own books or block the instrument, regardless of origin or destination. "Suspense accounts" are not permitted. Blocking imposes a complete prohibition against transfers or transactions of any kind. No payments, transfers, withdrawals, or other dealings may take place with regard to blocked property unless authorized by the Treasury Department. Banks are permitted to take normal service charges. Blocked deposits of funds must be interest-bearing. "Set-offs" are not allowed.

Persons subject to U.S. jurisdiction are required to exercise extreme caution in order not to knowingly involve themselves in unlicensed transactions in which Cuba has an interest. Except as authorized, no bank in the U.S. or overseas branch or subsidiary of a U.S. bank may advise a letter of credit involving Cuba nor may it process documents referencing Cuba. All such "property" must be blocked as soon as it comes within the bank's possession or control. All persons in possession of blocked property are required to register with the Office of Foreign Assets Control. Persons subject to U.S. jurisdiction who engage in any commercial dealings that involve unauthorized trade with Cuba, either directly or indirectly, risk substantial monetary penalties and criminal prosecution.

• **SENDING GIFTS** - Gift parcels may be sent or carried by an authorized traveler to an individual or to a religious, charitable, or educational organization in Cuba for the use of the recipient or of the recipient's immediate family (and not for resale), subject to the following limitations: the combined total domestic retail value of all items in the parcel must not exceed \$200 (with the exception of donations of food, which are not so restricted); not more than one parcel may be sent or given by the same person in the U.S. to the same recipient in Cuba in any one calendar month; and the content must be limited to food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap-making equipment, or certain radio equipment and batteries for such equipment. Organizations that consolidate and send multiple gift parcels in single shipments must obtain a validated license from the U.S. Department of Commerce. Each gift parcel in the single shipment must meet commodity, dollar-value, and frequency limitations. If a parcel being shipped or carried to Cuba fails to meet these standards, it is subject to seizure by the U.S. Government.

• **CUBA-RELATED TRAVEL TRANSACTIONS** - Only persons whose travel transactions fall into the categories discussed below may be authorized to spend money related to travel to, from, or within Cuba. Persons licensed to engage in travel-related transactions in Cuba may spend up to the State Department Travel Per Diem Allowance for Havana, Cuba for purchases directly related to travel in Cuba, such as hotel accommodations, meals, local transportation, and goods personally used by the traveler in Cuba (travelers can check the current per diem rate on the Internet at <<http://www.state.gov/www/perdiems/index.html>>). Most licensed travelers may also spend additional money for transactions directly related to the activities for which they received their license. For example, journalists traveling in Cuba under the journalism general license (described below) may spend money over and above the current per diem for extensive local transportation, the hiring of cable layers, and other costs that are directly related to covering a story in Cuba. Licensed travelers may also spend an additional \$100 on the purchase of Cuban merchandise to be brought back with them to the United States as accompanied baggage, but this \$100 authorization may be used only once in any 6-month period. Purchases of services unrelated to travel or a

licensed activity, such as non-emergency medical services, are prohibited. The purchase of publications and other informational materials is not restricted.

**WHO CAN GO** - The following travelers are authorized, under OFAC general license, to engage in travel transactions while in Cuba:

- \* Journalists and supporting broadcasting or technical personnel (regularly employed in that capacity by a news reporting organization and traveling for journalistic activities).
- \* Official government travelers (traveling on official business).
- \* Members of international organizations of which the United States is also a member (traveling on official business).
- \* Persons traveling once a year to visit Cuban nationals who are close relatives (additional trips within one year will need an OFAC specific license).
- \* Travelers who have received specific licenses from OFAC prior to going.
- \* Full-time professionals whose travel transactions are directly related to professional research in their professional areas, provided that their research: (1) is of a noncommercial academic nature, (2) comprises a full work schedule in Cuba, and (3) has a substantial likelihood of public dissemination.
- \* Full-time professionals whose travel transactions are directly related to attendance at professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it is specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products.
- \* Amateur or semi-professional athletes or teams traveling to Cuba to participate in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations, participation, by the Cuban public.

**Specific licenses for educational institutions:** Specific licenses may be issued by OFAC to authorize travel transactions related to certain educational activities by students or employees affiliated with a licensed academic institution. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from OFAC:

- \* Undergraduate or graduate students participating in a structured educational program in Cuba as part of a course offered at an accredited United States college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is enrolled in an undergraduate or a graduate degree program at the institution, and (3) that the travel is part of an educational program of the institution.

\* Persons doing noncommercial Cuba-related academic research in Cuba for the purpose of qualifying academically as a professional (e.g. research toward a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is enrolled in a graduate degree program at the institution, and (3) that the Cuba research will be accepted for credit toward that graduate degree;

\* Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed U.S. institution stating: (1) the institution's license number, (2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and (3) that the Cuban study will be accepted for credit toward that degree.

\* Persons regularly employed in a teaching capacity at a licensed college or university who plan to teach part or all of an academic program at a Cuban academic institution. An individual planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the U.S. institution's license number, and (2) that the individual is regularly employed by the licensed institution in a teaching capacity.

\* Cuban scholars teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary. The Cuban scholar may carry all such stipends or salary payments back to Cuba.

\* Secondary school students participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. A reasonable number of adult chaperons may accompany the students to Cuba. A secondary school group planning to engage in such transactions in Cuba must carry a letter from the licensed U.S. secondary school sponsoring the trip stating: (1) the school's license number, and (2) the list of the names of all persons traveling with the group.

\* Full-time employees of a licensed institution organizing or preparing for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the institution.

to certain humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people. Licenses authorizing transactions for multiple trips over an extended period of time are available.

\* Free-Lance Journalism - Persons with a suitable record of publication who are traveling to Cuba to do research for a free-lance article. Licenses authorizing transactions for multiple trips over an extended period of time are available for applicants demonstrating a significant record of free-lance journalism.

\* Professional Research and Professional Meetings - Persons traveling to Cuba to do professional research or to attend a professional meeting that does not meet the requirements of the relevant general license (described above). Licenses authorizing transactions for multiple trips over an extended period of time are available.

\* Religious Activities - Persons traveling to Cuba to engage in religious activities that are not authorized pursuant to a religious organization's specific license. Licenses authorizing transactions for multiple trips over an extended period of time are available.

\* Public Performances, Clinics, Workshops, Athletic and Other Competitions, and Exhibitions - Persons traveling to participate in a public performance, clinic, workshop, athletic or other competition (that does not meet the requirements of the general license described above), or exhibition. The event must be open for attendance, and in relevant situations participation, by the Cuban public, and all profits from the event after costs must be donated to an independent nongovernmental organization in Cuba or a U.S.-based charity, with the objective, to the extent possible, of promoting people-to-people contacts or otherwise benefiting the Cuban people. In addition, any clinics or workshops in Cuba must be organized and run, at least in part, by the licensee.

\* Activities of Private Foundations or Research or Educational Institutions - Persons traveling to Cuba on behalf of private foundations or research or educational institutes that have an established interest in international relations to collect information related to Cuba for non-commercial purposes. Licenses authorizing transactions for multiple trips over an extended period of time are available.

\* Exportation, Importation, or Transmission of Information or Informational Materials - Persons traveling to engage in activities directly related to the exportation, importation, or transmission of information or informational materials.

\* Licensed Exportation - Persons traveling to Cuba to engage in activities directly related to marketing, sales negotiation, accompanied delivery, or servicing of exports of food and agricultural commodities, medical products or other exports that are consistent with existing Department of Commerce regulations and guidelines with respect to Cuba, including certain exports engaged in by U.S.-owned or -controlled foreign firms.

**Specific licenses for religious organizations:** Specific licenses may be issued by OFAC to religious organizations to authorize individuals affiliated with the organization to engage in travel transactions under the auspices of the religious organization. Applications by religious organizations for such licenses should include examples of the religious activities to be undertaken in Cuba. All individuals traveling pursuant to a religious organization's license must carry with them a letter from the licensed organization citing the number of the license and confirming that they are affiliated with the organization and that they are traveling to Cuba to engage in religious activities under the auspices of the organization.

**Other specific licenses:** Specific licenses may be issued by the Office of Foreign Assets Control on a case-by-case basis authorizing travel transactions by the following categories of persons in connection with the following activities:

\* Humanitarian Projects and Support for the Cuban People - (1) Persons traveling in connection with activities that are intended to provide support for the Cuban people, such as activities of recognized human rights organizations; (2) Persons whose travel transactions are directly related

**Applying for a specific license:** Persons wishing to travel to Cuba under a specific license should send a letter specifying the details of the proposed travel, including any accompanying documentation, to David W. Mills, Chief of Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Academic institutions wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and establishing that the institution is accredited by an appropriate national or regional accrediting association. Religious organizations wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and setting forth examples or religious activities to be undertaken in Cuba.

**Provision of travel services:** U.S. travel service providers, such as travel agents and tour operators, who handle travel arrangements to, from, or within Cuba must hold special authorizations from the Office of Foreign Assets Control to engage in such activities. These authorizations are issued based on written applications from the service providers, subject to appropriate checks by the Treasury Department. A traveler should not use any U.S.-located travel service provider that does not hold valid Treasury authorization. An up-to-date list of authorized service providers is maintained on OFAC's website. If in doubt about the status of a service provider's authorization, travelers should call the Office of Foreign Assets Control at 305/810-5140. Only carrier service providers that have been authorized by OFAC may operate direct passenger charter flights between Miami and Havana.

**Unauthorized travel-related transactions:** Unless otherwise authorized, any person subject to U.S. jurisdiction who engages in any travel-related transaction in Cuba violates the Regulations.

• **WHAT CAN BE BROUGHT BACK** - The above listed travelers may reenter the United States with up to \$100 of Cuban origin goods for personal use, such as cigars and rum. [Section 515.560(c)(3) of the Regulations]. If unauthorized U.S. travelers return from Cuba with Cuban origin goods, such goods, with the exception of informational materials, may be seized at Customs' discretion. [Section 515.204 of the Regulations]. There are no limits on the import or export of informational materials. [Section 515.206 of the Regulations]. Such materials are statutorily exempt from regulation under the embargo and such items as books, films, tapes and CDs may be transported freely. However, blank tapes and CDs are not considered informational materials and may be seized.

• **VESSELS** - All persons on board vessels, including the owner, must be authorized travelers, as listed above, to engage in travel-related transactions in Cuba. If you are not an authorized traveler, you may not purchase meals, pay for transportation, lodging, dockage or mooring fees, cruising fees, visas, entry or exit fees and you may not bring any Cuban origin goods back to the United States. Any payment to the Marina Hemingway International Yacht Club is considered a prohibited payment to a Cuban national and therefore in violation of the Regulations. Vessel owners are prohibited from carrying travelers to Cuba who pay them for passage if the owner does not have a specific license from OFAC authorizing him to be a Service Provider to Cuba.

• **FULLY HOSTED TRAVELERS** - Fully-hosted travelers may travel to Cuba without contacting OFAC if the traveler's Cuba-related expenses are covered by a person not subject to U.S. jurisdiction. Travel to Cuba is not fully hosted if a person subject to U.S. jurisdiction pays—before, during, or after the travel—any expenses related to the travel, including the cost of traveling to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by travelers to and in Cuba are for meals, lodging, transportation, bunkering of vessels or aircraft, visas, entry or exit fees, and gratuities. In addition, fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. Fully-hosted travelers may not bring back any Cuban origin goods, except for informational materials. [See Note to Section 515.420(c) of the Regulations.]

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or

otherwise not to have engaged in any travel-related transactions must be able to provide a signed explanatory statement, accompanied by relevant supporting documentation, showing that no transactions were engaged in by the traveler or on the traveler's behalf by any person subject to U.S. jurisdiction, stating that payments made by any non-U.S. host were not in exchange for services provided, and providing a day-to-day account of financial transactions waived or entered into on behalf of the traveler. A fully-hosted traveler must also provide an original signed statement from the sponsor or host, specific to the traveler, confirming that the travel was fully-hosted and the reasons for the travel. For a complete list of all evidence necessary to rebut the presumption of travel-related transactions, see Section 515.420 of the Regulations. Fully-hosted travelers are also prohibited from providing any unauthorized services to Cuba or to Cuban nationals or within Cuba.

• **EMERGENCIES** - In case of emergencies requiring financial transactions such as emergency repair of vessels or medical treatment, travelers are urged to contact OFAC at (202)622-2480, to discuss necessary authorizations.

• **HUMANITARIAN DONATIONS** - There is joint OFAC and Commerce Department ("USDOC") administration over export of gift parcels and humanitarian goods to Cuba to meet basic human needs. If an export is licensed by USDOC, OFAC authorizes certain financial and other transactions related to that export. [See part 746 of the USDOC's Export Administration Regulations (15 C.F.R. Chapter 7), which are available on-line at [http://w3.access.gpo.gov/bis/ear/ear\\_data.html](http://w3.access.gpo.gov/bis/ear/ear_data.html), for the relevant USDOC regulations.] Please note that travel-related transactions incident to humanitarian donations must be separately licensed by OFAC.

• **SENDING OR CARRYING MONEY TO CUBA** - U.S. persons aged 18 or older may send to the household of any individual in Cuba or to a Cuban national in a third country "individual-to-household" cash remittances of up to \$300 per household in any consecutive three-month period, provided that no member of the household is a senior-level Cuban government or senior-level Cuban communist party official. No more than a combined total of \$300 of individual-to-household remittances may be sent by a remitter to any one household in any consecutive three-month period, regardless of the number of persons residing in that household. A licensed traveler may carry up to ten of his own \$300 household remittances to Cuba.

U.S. persons also may send up to \$1,000 per payee on a one-time basis as an "emigration-related" remittance to a Cuban national to enable the payee to emigrate from Cuba to the United States. Specifically, up to \$500 may be remitted to a Cuban national prior to the payee's receipt of a valid U.S. visa or other U.S. immigration document, and up to \$500 may be remitted to the Cuban national after the payee receives a valid U.S. visa or other U.S. immigration document. A licensed traveler may only carry immigration remittances to Cuba if the visa has already been issued.

Remittances may be transferred through a financial institution or through an OFAC-licensed remittance forwarder. Service providers, including financial institutions originating transfers on behalf of non-aggregating customers, must obtain an affidavit from the remitter certifying that each individual-to-household does not exceed \$300 in any consecutive three month period and that each emigration-related remittance meets the requirements of the Regulations. Remitters can expect to have their identity, date of birth, address, and telephone number verified.

Specific licenses may be issued on a case-by-case basis authorizing



remittances:

- \* to independent nongovernmental organizations in Cuba;
- \* to households of Cuban nationals living outside of Cuba in excess of \$300 per quarter from blocked accounts; or
- \* to individuals in Cuba to facilitate their non-immigrant travel to the United States under circumstances where humanitarian need is demonstrated, including illness or medical emergency.

• **FAIR BUSINESS PRACTICES** - Anyone authorized by the U.S. Department of the Treasury to provide Cuban travel services or services in connection with sending money to Cuba is prohibited from participating in discriminatory practices of the Cuban government against individuals or particular classes of travelers. The assessment of consular fees by the Cuban government, which are applicable worldwide, is not considered to be a discriminatory practice. However, requiring the purchase of services not desired by the traveler is not permitted. Persons wishing to provide information on such activities should call 305/810-5170. All information regarding arbitrary fees, payments for unauthorized purposes, or other possible violations furnished to the U.S. Treasury Department will be handled confidentially.

• **ESTATES AND SAFE DEPOSIT BOXES** - An estate becomes blocked whenever a Cuban national is an heir or is the deceased; money from a life insurance policy is blocked whenever the deceased is a Cuban resident. The heir of a person who died in Cuba, or the beneficiary of a life insurance policy of a person who died in Cuba, may apply for a license from the Office of Foreign Assets Control to unblock the estate or insurance proceeds. Persons administering or interested in a blocked estate should contact the Office of Foreign Assets Control at 202/622-2480 for more information. A safe-deposit box is blocked whenever a Cuban has an interest in the property contained in the box. Access to a blocked safe deposit box for inventory purposes may be granted under certain conditions, but the contents of the box remain blocked and may not be removed without the permission of the Office of Foreign Assets Control. Authorized remittances may be made from blocked estates.

• **PAYMENTS FOR OVERFLIGHTS** - Private and commercial aviators must obtain a specific license authorizing payments for overflight charges to Cuba. Banks will ask to see the originals of such licenses before executing transfers and keep a copy for their files. Such transfers must be in a currency other than U.S. dollars.

## **B—NORTH KOREA**

Foreign Assets Control Regulations (31 C.F.R. Part 500)

The Foreign Assets Control Regulations, authorized under the Trading with the Enemy Act, established economic sanctions against the Democratic People's Republic of Korea ("North Korea") in 1950. They have been modified on several occasions, most recently on June 19, 2000, as a result of President Clinton's September 17, 1999 decision to ease economic sanctions against North Korea in order to improve relations, to support the Agreed Framework, and to encourage North Korea to continue to refrain from testing long-range missiles. The Regulations affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches, subsidiaries and controlled affiliates of U.S. organizations throughout the world. They are administered by the U.S. Treasury

Department's Office of Foreign Assets Control. Penalties for violating the sanctions range up to 10 years in prison, \$1,000,000 in corporate fines, and \$250,000 in individual fines. Civil penalties of up to \$55,000 per count may also be imposed.

• **SELLING TO NORTH KOREA** - The June 19, 2000 amendments to the Foreign Assets Control Regulations ended the ban on exports to North Korea, provided that any exports or reexports to North Korea are licensed or otherwise authorized by the Department of Commerce or other appropriate agencies.

• **BUYING FROM NORTH KOREA** - Pursuant to Sections 73 and 74 of the Arms Export Control Act (22 U.S.C. 2797b-2797c), goods of North Korean origin may not be imported into the United States either directly or through third countries, without prior notification to and approval of the Office of Foreign Assets Control.

Importers must provide OFAC with written information as to whether the products to be imported were produced by (a) a foreign person designated by the Secretary of State as having engaged in missile technology proliferation activities; (b) an activity of the North Korean Government relating to the development or production of any missile equipment or technology; or (c) an activity of the North Korean Government affecting the development or production of electronics, space systems or equipment, and military aircraft.

In addition to the information just described, importers seeking an approval letter from OFAC must provide their name, address, telephone, fax, and E-mail addresses; a description of the product to be imported, including quantity and cost; the name and address of the producer of the product; the name of the location where the product was produced; and the name and address of the North Korean exporter. Requests for import review must be submitted by mail to North Korea Unit, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW, Annex, Washington, DC 20220. After reviewing the information, OFAC will issue a letter indicating the results of the review to the person seeking to import the product.

U.S. depository institutions handling letters of credit or documentary collections involving imports from North Korea must obtain a copy of OFAC's approval letter from the importer before proceeding with such transactions. The letter must also be provided to the U.S. Customs Service before imports from North Korea will be allowed into the United States.

• **TRAVELING TO NORTH KOREA** - U.S. passports are valid for travel to North Korea and individuals do not need U.S. Government permission to travel there. All transactions ordinarily incident to travel to, from and within North Korea and to maintenance within North Korea are authorized. U.S. travel service providers are authorized to organize group travel to North Korea, including transactions with North Korean carriers.

• **ACCOUNTS, ASSETS, AND FINANCIAL TRANSACTIONS** - Property blocked as of June 16, 2000 remains blocked. All other transactions are authorized, provided they meet the criteria outlined in the June 19, 2000 amendments to the Foreign Assets Control Regulations described elsewhere in this summary. Remitters and recipients need to know that transfers from the North Korean Government that constitute donations to U.S. persons or with respect to which a U.S. person knows, or has reasonable cause to believe, that the transfer poses a risk of furthering terrorist acts in the United States are still prohibited.

## **C—LIBYA**

### **Libyan Sanctions Regulations (31 C.F.R. Part 550)**

• **INTRODUCTION** - The Libyan Sanctions Regulations, authorized under the International Emergency Economic Powers Act and the International Security and Development Cooperation Act of 1985, established economic sanctions against Libya in January 1986. Citing terrorist attacks against the Rome and Vienna airports in December 1985, former President Reagan emphasized that he had authorized the sanctions in response to Libya's repeated use and support of terrorism against the United States, other countries, and innocent persons. The Regulations are still in force and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches of U.S. organizations throughout the world. They are administered by the U.S. Treasury Department's Office of Foreign Assets Control.

Criminal penalties for violating the sanctions range up to 10 years in prison, \$500,000 in corporate and \$250,000 in individual fines. In addition, civil penalties of up to \$10,000 per violation may be imposed administratively.

• **BUYING FROM LIBYA** - Goods or services of Libyan origin may not be imported into the United States either directly or through third countries. There are two exceptions: (1) Libyan merchandise up to \$100 in value in non-commercial quantities may be brought into the United States either for strictly personal use as accompanied baggage by an authorized traveler or sent as a gift to a person in the United States and (2) qualifying informational material may be imported without restriction.

• **SELLING TO LIBYA** - Except for informational materials, such as books, magazines, films, and recordings and donated articles such as food, clothing, medicine, and medical supplies intended to relieve human suffering, and the licensed export of agricultural commodities, medicine, and medical devices, no goods, technology, or services may be exported from the United States to Libya, either directly or through third countries. No U.S. bank or foreign branch of a U.S. bank may finance, or arrange offshore financing for, third-country trade transactions where Libya is known to have an interest in the trade as its ultimate beneficiary. The U.S. Treasury Department takes the view that arranging transactions which ultimately benefit Libya (for example, brokering third-country sales of Libyan crude oil or transportation for Libyan cargo) constitutes an exportation of brokerage services to Libya and a dealing in Libyan governmental property in violation of the Regulations. Banks should be careful, for example, not to become involved in transactions relating to shipments to or from South Korea involving ultimate delivery of merchandise to the Great Man-Made River Project in Libya. The only areas of trade that may involve Libya and still be permissible are: (1) the sale of parts and components to third countries, where the U.S. goods will be "substantially transformed" into new and different articles of commerce prior to shipment to Libya, and (2) the sale of goods which come to rest in the inventory of a third-country distributor whose sales are not predominantly to Libya. Even the first of those exceptions is not available if the finished product of the third country is destined for use in any aspect of the Libyan petroleum or petrochemical industries.

• **SPECIALLY DESIGNATED NATIONALS** - Individuals or organizations who act on behalf of the government of Libya anywhere in the world are considered by the U.S. Treasury Department to be "Specially Designated Nationals" of Libya. Their names are published in the Federal Register, an official publication of the U.S. Government. A

listing of such Specially Designated Nationals may be obtained by calling the Office of Foreign Assets Control at 202/622-2420. The listing, however, is a partial one and any U.S. individual or organization engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not acting on behalf of Libya. The list includes certain banks domiciled in Europe and Africa as well as the names of individuals who are officers and directors of substantial international corporations. U.S. individuals or organizations who violate the Regulations by transacting business Specially Designated Nationals of Libya may be subject to civil or criminal prosecution.

• **LIBYAN GOVERNMENT ASSETS BLOCKED** - On January 8, 1986, the President blocked all Government of Libya assets in the United States or in the possession or control of U.S. persons anywhere in the world. This action prohibits all transfers of Libyan governmental assets without a specific license from the Office of Foreign Assets Control. All contracts, loans, and financial dealings with Libya are prohibited. The freeze covers all properties of the Libyan Government, and of entities owned or controlled by it, including all Libyan-organized and Libyan-owned or controlled banks (all banks in Libya are considered Government-controlled) and includes deposits held in banks in the United States and in U.S. banks' overseas branches. The prohibition against any transfer of property or interest in the property of Libya includes property that is now or in the future is located in the United States or is in or comes into the possession or control of U.S. persons. Any unlicensed funds transfer involving a direct or indirect interest of the Government of Libya (including any transfer routed through or to Libyan banks which are all considered Specially Designated Nationals of Libya), for which banks subject to U.S. jurisdiction receive instructions, must be deposited into a blocked account on the books of the bank receiving the instructions. Such funds may not be returned to a remitter without a specific license from the Office of Foreign Assets Control. No unlicensed debits may be made to blocked Libyan accounts to pay obligations of U.S. or other persons, whether the obligations arose before or after the sanctions against Libya were imposed. Even payments from blocked accounts for goods, services, or technology exported prior to the sanctions program are prohibited.

• **FINANCIAL DEALINGS WITH LIBYA** - Financial transactions, including trade financing, are generally prohibited. Payments for and financing of licensed sales of agricultural commodities, medicine, and medical devices, may be accomplished by cash in advance, sales on open account (provided the account receivable is not transferred by the person extending the credit), or by third country financial institutions that are neither U.S. persons nor government of Libya entities. Any other arrangements must be specifically authorized by OFAC. U.S. banks may advise and confirm letters of credit issued by third country banks covering licensed sales.

Payments for licensed sales of agricultural commodities, medicine, and medical devices, which must reference an appropriate OFAC license, may not involve a debit to a blocked account on the books of a U.S. depository institution. Before a U.S. bank initiates a payment, or credits its customer for a licensed transaction, it must determine that the transfer is authorized.

• **CONTRACTS BENEFITTING LIBYA** - No U.S. person may perform any contract in support of an industrial or other commercial or governmental project in Libya. The prohibition includes sales or service agreements with non-Libyan persons located anywhere in the world, if it is known that Libya or a Libyan project will benefit from the transaction.

Banks subject to U.S. jurisdiction must exercise extreme caution not to operate accounts for even non-U.S. companies which use those accounts for transactions connected with Libyan projects or commercial activities. Any such accounts must be blocked under U.S. law.

• **TRANSACTIONS INVOLVING U.S. SUBSIDIARIES -**

Independent transactions with Libya by foreign subsidiaries of U.S. firms are permitted if no U.S. person or permanent resident has a role. It should be emphasized that the facilitating actions of the U.S. parent, or of U.S. citizens (wherever resident) who manage or work for the subsidiary, are fully subject to the prohibitions of the Regulations.

• **STANDBY LETTERS OF CREDIT -**

A number of companies were required to open bid, performance, advance payment, or warranty bonds in the form of standby letters of credit to do business with Libya before the Libyan sanctions were imposed. Special procedures have been established with regard to payment demands under standby letters of credit in favor of Libya. Banks must "give prompt notice" to the party who opened the letter of credit (the account party) when there is an attempted drawing. The account party then has five days to apply to the Office of Foreign Assets Control for a specific license to prevent "payment" of the letter of credit into a blocked account. A bank may not make any payment, even into a blocked account, on behalf of a Libyan beneficiary unless the account party fails to secure a Treasury license within 10 business days of notification from the bank. If the account party receives a license from the Treasury Department, the original of the license should be presented to the bank and a special blocked reserve account must be established on the account party's corporate books to reflect its outstanding obligation to Libya in lieu of the bank "paying" the letter of credit. The account party must certify to the Treasury Department that it has established the blocked reserve account. Neither the bank nor the account party are relieved from giving any notice of defense against payment or reimbursement that is required by applicable law. Moreover, the issuing bank must continue to maintain the letter of credit as a contingent liability on its own books, despite any reserve account established by the account party and, in the event the embargo is lifted, both the bank and the account party will be expected to negotiate concerning their outstanding obligation.

• **TRAVEL TO LIBYA -**

All transportation-related transactions involving Libya by U.S. persons are prohibited, including the sale in the United States of any transportation by air which includes any stop in Libya. All travel-related transactions are prohibited for U.S. citizens or residents with regard to Libya, except for (1) travel by close family members of Libyan nationals when the U.S. citizen or resident has registered with Treasury's Office of Foreign Assets Control or with the Embassy of Belgium in Tripoli, or (2) travel by journalists regularly employed in such capacity by a newsgathering organization, or (3) travel transactions pertaining to arranging exports of licensed sales of agricultural commodities, medicine, and medical devices. Travel transactions related to the installation or servicing of medical devices exported pursuant to license may be authorized by specific license.

## **D—IRAQ**

Iraqi Sanctions Regulations (31 C.F.R. Part 575)

• **INTRODUCTION -** On August 2, 1990, upon Iraq's invasion of Kuwait, former President Bush issued Executive Order No. 12722 declaring a national emergency with respect to Iraq. The order, issued

under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701), the National Emergencies Act (50 U.S.C. 1601), and section 301 of title 3 of the U.S. Code, imposed economic sanctions, including a complete trade embargo, against Iraq. In keeping with United Nations Security Council Resolution 661 of August 6, 1990 and the United Nations Participation Act (22 U.S.C. 287c), the President also issued Executive Order 12724 on August 9, 1990, which imposed additional restrictions. Similar sanctions were imposed on Kuwait to ensure that no benefit from the United States flowed to the Government of Iraq in military-occupied Kuwait. The Iraqi Sanctions Regulations implement Executive Orders No. 12722 and 12724. They were issued and have been administered by the Treasury Department's Office of Foreign Assets Control (OFAC).

• **ASSETS BLOCKED -**

Effective August 2, 1990, former President Bush blocked all property and interests in property of the Government of Iraq, its agencies, instrumentalities, and controlled entities, in the United States or within the possession or control of U.S. persons. Persons and organizations determined by the Secretary of the Treasury to fall within any of those categories are subject to treatment as if they were the government of Iraq itself. This enabled Treasury to designate Iraqi "front" organizations that may be operating in third countries as "Specially Designated Nationals of Iraq," thus subjecting them to the Iraqi sanctions. The assets of "Specially Designated Nationals of Iraq" remain blocked. Blocked accounts in U.S. financial institutions must earn interest at commercially reasonable rates; funds are not to be held in instruments with a maturity exceeding 90 days. Setoffs against blocked accounts are prohibited. Effective August 29, 2003, the President issued a new Executive Order, the text of which appears below.

• **ORDERLY RECONSTRUCTION OF IRAQ -**

President George W. Bush has issued Executive Order 13303 protecting the Development Fund for Iraq and the marketing and sale of Iraqi petroleum and petroleum products to assure the orderly reconstruction of Iraq, the restoration of peace and security in the country, and the development of political, administrative, and economic institutions there. It provides immunity from attachment or other judicial process against the Fund or against Iraqi petroleum and petroleum products, and "interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever," arising from or related to the sale or marketing of Iraqi petroleum or petroleum products.

### **EXECUTIVE ORDER - BLOCKING PROPERTY OF THE FORMER IRAQI REGIME, ITS SENIOR OFFICIALS AND THEIR FAMILY MEMBERS, AND TAKING CERTAIN OTHER ACTIONS**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, in view of United Nations Security Council Resolution 1483 of May 22, 2003, and in order to take additional steps with respect to the situation in Iraq,

I, GEORGE W. BUSH, President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration

and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. I find that the removal of Iraqi property from that country by certain senior officials of the former Iraqi regime and their immediate family members constitutes one of these obstacles. I further determine that the United States is engaged in armed hostilities and that it is in the interest of the United States to confiscate certain additional property of the former Iraqi regime, certain senior officials of the former regime, immediate family members of those officials, and controlled entities. I intend that such property, after all right, title, and interest in it has vested in the Department of the Treasury, shall be transferred to the Development Fund for Iraq. Such property shall be used to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, for the costs of Iraqi civilian administration, and for other purposes benefiting the Iraqi people. I determine that such use would be in the interest of and for the benefit of the United States. I hereby order:

**Section 1.** Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the former Iraqi regime or its state bodies, corporations, or agencies, or of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

- (a) the persons listed in the Annex to this order; and
- (b) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State,
  - (i) to be senior officials of the former Iraqi regime or their immediate family members; or
  - (ii) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any of the persons listed in the Annex to this order or determined to be subject to this order.

**Sec. 2.** The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to confiscate property that is blocked pursuant to section 1 of this order and that he determines, in consultation with the Secretary of State, to belong to a person, organization, or country that has planned, authorized, aided, or engaged in armed hostilities against the United States. All right, title, and interest in any property so confiscated shall vest in the Department of the Treasury. Such vested property shall promptly be transferred to the Development Fund for Iraq.

**Sec. 3.** (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 4.** For purposes of this order:

- (a) the term 'person' means an individual or entity;
- (b) the term 'entity' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term 'United States person' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term 'former Iraqi regime' means the Saddam Hussein regime that governed Iraq until on or about May 1, 2003; and

(e) the term 'coalition authority' means the Coalition Provisional Authority under the direction of its Administrator, and the military forces of the United States, the United Kingdom, and their coalition partners present in Iraq under the command or operational control of the Commander of United States Central Command; and

(f) the term "Development Fund for Iraq" means the fund established on or about May 22, 2003, on the books of the Central Bank of Iraq, by the Administrator of the Coalition Provisional Authority responsible for the temporary governance of Iraq and all accounts held for the fund or for the Central Bank of Iraq in the name of the fund.

**Sec. 5.** I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13303 and expanded in scope in this order and would endanger Armed Forces of the United States that are engaged in hostilities, and I hereby prohibit such donations as provided by section 1 of this order.

**Sec. 6.** For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13303 and expanded in scope in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

**Sec. 7.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 8.** The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the order.

**Sec. 9.** Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

**Sec. 10.** This order shall not apply to such property as is or may come under the control of the coalition authority in Iraq. Nothing in this order is intended to affect dispositions of such property or other determinations by the coalition authority.

**Sec. 11.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, officers or employees, or any other person.

**Sec. 12.** This order is effective on 12:01 a.m. eastern daylight time on August 29, 2003.

**Sec. 13.** This order shall be transmitted to the Congress and published in the Federal Register."

THE ANNEX HAS BEEN INCORPORATED INTO OFAC'S LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS. EACH ENTRY IS STYLED "[IRAQ2]".

Identifying information with respect to each person listed in the Annex reflects information recently available and is provided solely to facilitate compliance with the order. Each person listed in the Annex remains subject to the prohibitions of the order notwithstanding any change in title, position, or affiliation, unless and until such person is subject to a determination pursuant to section 8 of the order.

## **E—IRAN**

An overview of Regulations involving Sanctions against Iran

### **Iranian Transactions Regulations (31 C.F.R. Part 560)**

• **INTRODUCTION** - As a result of Iran's support for international terrorism and its aggressive actions against non-belligerent shipping in the Persian Gulf, President Reagan, on October 29, 1987, issued Executive Order 12613 imposing a new import embargo on Iranian-origin goods and services. Section 505 of the International Security and Development Cooperation Act of 1985 ("ISDCA") was utilized as the statutory authority for the embargo which gave rise to the Iranian Transactions Regulations, Title 31 Part 560 of the U.S. Code of Federal Regulations (the "ITR").

Effective March 16, 1995, as a result of Iranian sponsorship of international terrorism and Iran's active pursuit of weapons of mass destruction, President Clinton issued Executive Order 12957 prohibiting U.S. involvement with petroleum development in Iran. On May 6, 1995, he signed Executive Order 12959, pursuant to the International Emergency Economic Powers Act ("IEEPA") as well as the ISDCA, substantially tightening sanctions against Iran.

On August 19, 1997, the President signed Executive Order 13059 clarifying Executive Orders 12957 and 12959 and confirming that virtually all trade and investment activities with Iran by U.S. persons, wherever located, are prohibited.

On March 17, 2000, the Secretary of State announced that sanctions against Iran would be eased to allow U.S. persons to purchase and import carpets and food products such as dried fruits, nuts, and caviar from Iran. This change was implemented through amendments to the ITR at the end of April 2000.

• **IMPORTS FROM IRAN** - Goods or services of Iranian origin may not be imported into the United States, either directly or through third countries, with the following exceptions:

\* Gifts valued at \$100 or less;

\* Information or informational materials;

\* Foodstuffs intended for human consumption that are classified under chapters 2-23 of the Harmonized Tariff Schedule of the United States; and

\* Carpets and other textile floor coverings and carpets used as wall hangings that are classified under chapter 57 or heading 9706.00.0060 of the Harmonized Tariff Schedule of the United States.

U.S. persons are prohibited from providing financing for prohibited import transactions. There are restrictions on letter of credit transactions involving the Government of Iran (see **FINANCIAL DEALINGS WITH IRAN, FINANCING PURCHASES FROM IRAN OR ITS GOVERNMENT, and FINANCING IRANIAN-ORIGIN FOODSTUFFS AND CARPETS OTHER THAN PURCHASES FROM IRAN OR ITS GOVERNMENT** below).

• **EXPORTS TO IRAN** - In general, unless licensed by OFAC, goods, technology (including technical data or other information subject to Export Administration Regulations), or services may not be exported, reexported, sold or supplied, directly or indirectly, from the United States or by a U.S. person, wherever located, to Iran or the Government of Iran. The ban on providing services includes any brokering function from the United States or by U.S. persons, wherever located. For example, a U.S. person, wherever located, or any person acting within the United States, may not broker offshore transactions that benefit Iran or the Government of Iran, including sales of foreign goods or arranging for third-country financing or guarantees.

In general, a person may not export from the U.S. any goods, technology or services, if that person knows or has reason to know such items are intended specifically for supply, transshipment or reexportation to Iran. Further, such exportation is prohibited if the exporter knows or has reason to know the U.S. items are intended specifically for use in the production of, for commingling with, or for incorporation into goods, technology or services to be directly or indirectly supplied, transshipped or reexported exclusively or predominately to Iran or the Government of Iran. A narrow exception is created for the exportation from the United States or by U.S. persons wherever located of low-level goods or technology to third countries for incorporation or substantial transformation into foreign-made end products, provided the U.S. content is insubstantial, as defined in the regulations, and certain other conditions are met.

Donations of articles intended to relieve human suffering (such as food, clothing, and medicine), gifts valued at \$100 or less, licensed exports of agricultural commodities, medicine, and medical devices, and trade in "informational materials" are permitted. "Informational materials" are defined to include publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds, although certain Commerce Department restrictions still apply to some of those materials. To be considered informational material, artworks must be classified under chapter subheadings 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

Exports to Iran associated with NGO humanitarian missions in Iraq that have been authorized by OFAC are limited to those items intended for temporary use, as personal baggage, by representatives of the authorized NGO, provided that such items are either consumed by representatives of the authorized NGO during the visit or removed from Iran at the end of each visit, and further provided that any such personal items are not controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iran or controlled on the

United States Munitions List. Nongovernmental organizations must take adequate measures to prevent any items authorized for exportation, re-exportation, or local purchase from being obtained or acquired by the Government of Iran.

With certain exceptions, foreign persons who are not U.S. persons are prohibited from reexporting to Iran sensitive U.S.-origin goods, technology or services to Iran or the Government of Iran. Foreign persons involved in such reexports may be placed on the U.S. Commerce Department's "Export Denial Orders" list.

U.S. persons may not approve, finance, facilitate or guarantee any transaction by a foreign person where that transaction by a foreign person would be prohibited if performed by a U.S. person or from the United States.

**• DEALING IN IRANIAN-ORIGIN GOODS OR SERVICES -**

Except as authorized by amendments to the ITR relating to foodstuffs and carpets, which were issued at the end of April 2000, U.S. persons, including foreign branches of U.S. depository institutions and trading companies, are prohibited from engaging in any transactions, including purchase, sale, transportation, swap, financing, or brokering transactions related to goods or services of Iranian origin or goods or services owned or controlled by the Government of Iran.

Services provided in the United States by an Iranian national already resident in the United States are not considered services of Iranian origin.

These prohibitions apply to transactions by United States persons in locations outside the United States with respect to goods or services which the United States person knows, or has reason to know, are of Iranian origin or are owned or controlled by the Government of Iran. U.S. persons may not import such goods or services into or export them from foreign locations. A U.S. person may, however, engage in transactions in third countries necessary to sell, dispose of, store, or maintain goods located in a third country which were legally acquired by that U.S. person prior to May 7, 1995 on the condition that the transactions do not result in an importation into the United States of goods of Iranian origin.

**• FINANCIAL DEALINGS WITH IRAN -** New investments by U.S. persons, including commitments of funds or other assets, loans or any other extensions of credit, in Iran or in property (including entities) owned or controlled by the Government of Iran are prohibited. For your information, Appendix A contains a list of banks owned or controlled by the Government of Iran. While U.S. persons may continue to charge fees and accrue interest on existing Iranian loans, a specific license must be obtained to reschedule or otherwise extend the maturities of existing loans.

Payments for licensed sales of agricultural commodities, medicine and medical devices must reference an appropriate OFAC license and may not involve a debit or credit to an account of a person in Iran or the Government of Iran maintained on the books of a U.S. depository institution. Payments for and financing of such licensed sales may be accomplished by cash in advance, sales on open account (provided the account receivable is not transferred by the person extending the credit), or by third country financial institutions that are neither U.S. persons nor government of Iran entities. Any other arrangements must be specifically authorized by OFAC. U.S. depository institutions may advise and confirm letters of credit issued by third country banks covering licensed sales of agricultural commodities, medicine, and medical devices.

Any funds transferred to Iran in connection with OFAC-authorized NGO

activities in Iraq may be used only for the purchase of services and goods necessary and essential to the conduct of the assessment mission and, whether U.S. or foreign origin, not of the type controlled under the Department of Commerce's Export Administration Regulations for exportation or re-exportation to Iran or controlled on the United States Munitions List. Such funds transfers must reference their license or registration number.

**• FINANCING PURCHASES FROM IRAN OR ITS GOVERNMENT -**

Payments for authorized imports of foodstuffs and carpets must reference the relevant section of the ITR. While U.S. depository institutions may deal with Iranian banks on a documentary collection basis [URC 522] for authorized purchases of foodstuffs or carpets, neither payments under collections, nor any other payments, may involve a debit or credit to the account of a person in Iran or the Government of Iran on the books of a U.S. depository institution. U.S. depository institutions may issue letters of credit for purchases provided that the letters of credit are not advised, negotiated, paid, or confirmed by a bank that is included within the definition of the term Government of Iran. A bank that is included in the definition of the term Government of Iran may forward letter of credit documents strictly on a documentary collection basis, either directly to a U.S. depository institution or to a third country bank that is not included within the definition of the term Government of Iran, but cannot send them on an "approval" basis since it cannot be party to a letter of credit.

**• FINANCING IRANIAN-ORIGIN FOODSTUFFS AND CARPETS OTHER THAN PURCHASES FROM IRAN OR ITS GOVERNMENT -**

U.S. depository institutions are authorized to issue, advise, negotiate, pay, or confirm letters of credit to pay for transactions in or related to foodstuffs and carpets as referenced in amendments to the ITR issued at the end of April 2000, other than purchases from Iran or its Government, provided that such letters of credit are not issued, advised, negotiated, paid, or confirmed by a bank that is included within the definition of the term Government of Iran.

**• "PRE-ZERO CONTRACTS" -** Letters of credit and other financing arrangements with respect to trade contracts in force as of May 6, 1995, may be performed pursuant to their terms provided that the underlying trade transaction was completed prior to June 6, 1995 (February 2, 1996 for "agricultural commodities"), or as specifically licensed by OFAC. Standby letters of credit that serve as performance guarantees for services to be rendered after June 6, 1995, cannot be renewed and payment may not be made after that date without authorization by OFAC.

**• OTHER BANKING SERVICES -** U.S. depository institutions, including foreign branches, are prohibited from servicing accounts of the Government of Iran, including banks owned or controlled by the Government of Iran (as in Appendix A) or persons in Iran. However, they are authorized to pay interest, deduct reasonable and customary service charges, process transfers related to exempt transactions, such as the exportation of information or informational material, a travel-related remittance, or a payment for the shipment of a donation of articles to relieve human suffering or, at the request of an account holder, effect a lump sum closure of an account by payment to its owner. They may not otherwise directly credit or debit Iranian accounts.

U.S. depository institutions may handle "U-turn" transactions—cover payments involving Iran that are by order of a third country bank for payment to another third country bank—provided they do not directly credit or debit an Iranian account. They are also permitted to handle non-commercial family remittances involving Iran and non-commercial

remittances involving humanitarian relief (such as for the victims of the earthquake in Khorasan), provided the transfers are routed to or from non-U.S., non-Iranian offshore banks.

U.S. depository institutions initiating or receiving payment orders involving Iran on behalf of customers must determine prior to processing such payments that they do not involve transactions prohibited by the Iranian Transactions Regulations.

• **TRAVEL** - All transactions ordinarily incident to travel to or from Iran, including the importation of accompanied baggage for strictly personal use, payment of maintenance and living expenses and acquisition of goods or services for personal use are permitted.

• **NGO ACTIVITIES IN IRAN**- Nongovernmental organizations licensed or otherwise authorized by OFAC to conduct certain humanitarian activities in and around Iraq are authorized to conduct activities in Iran directly incidental and essential to their authorized humanitarian activities in and around Iraq, but only to the extent necessary to support such authorized activities in Iraq; this does not authorize the actual provision of humanitarian support in Iran.

• **OVERFLIGHTS PAYMENTS** - Payments to Iran for services rendered by the Government of Iran in connection with the overflight of Iran or emergency landing in Iran of aircraft owned by United States persons or registered in the U.S. are authorized.

• **PERSONAL COMMUNICATIONS, INFORMATION AND INFORMATIONAL MATERIALS** - The receipt or transmission of postal, telegraphic, telephonic or other personal communications, which does not involve the transfer of anything of value, between the United States and Iran is authorized. The exportation from the United States to Iran of information and informational materials, whether commercial or otherwise, regardless of format or medium of transmission, and any transaction incident to such exportation is authorized.

• **TRANSACTIONS INVOLVING U.S. AFFILIATES** - No U.S. person may approve or facilitate the entry into or performance of transactions or contracts with Iran by a foreign subsidiary of a U.S. firm that the U.S. person is precluded from performing directly. Similarly, no U.S. person may facilitate such transactions by unaffiliated foreign persons.

• **IRANIAN PETROLEUM INDUSTRY** - U.S. persons may not trade in Iranian oil or petroleum products refined in Iran, nor may they finance such trading. Similarly, U.S. persons may not perform services, including financing services, or supply goods or technology, that would benefit the Iranian oil industry.

## APPENDIX - BANKS OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN

AGRICULTURAL COOPERATIVE BANK OF IRAN (a.k.a. BANK TAAVON KESHAVARZI IRAN), No. 129 Patrice Lumumba Street, Jalal-Al-Ahmad Expressway, P.O. Box 14155/6395, Tehran, Iran

AGRICULTURAL DEVELOPMENT BANK OF IRAN (a.k.a. BANK JOSIAIYI KESHAHVARI), Farahzad Expressway, Tehran, Iran

BANK JOSIAIYI KESHAHVARI (a.k.a. AGRICULTURAL DEVELOPMENT BANK OF IRAN), Farahzad Expressway, Tehran, Iran

BANK MARKAZI JOMHOURI ISLAMI IRAN (a.k.a. THE CENTRAL BANK OF IRAN), Ferdowsi Avenue, P.O. Box 11365-8551, Tehran, Iran

BANK MASKAN (a.k.a. HOUSING BANK (of Iran)), Ferdowsi St., Tehran, Iran

BANK MELLAT, Park Shahr, Varzesh Avenue, P.O. Box 11365/5964, Tehran, Iran, and all offices worldwide, including, but not limited to:

- BANK MELLAT (Branch), Ziya Gokalp Bulvari No. 12, Kizilay, Ankara, Turkey
- BANK MELLAT (Branch), Binbir Cicek Sokak, Buyukdere Caddesi, P.O. Box 67, Levant, Istanbul, Turkey
- BANK MELLAT (Branch), 48 Gresham Street, London EC2V 7AX, England

BANK MELLI, P.O. Box 11365-171, Ferdowsi Avenue, Tehran, Iran, and all offices worldwide, including, but not limited to:

- BANK MELLI (Branch), 4 Moorgate, London EC2R 6AL, England
- BANK MELLI (Branch), Schadowplatz 12, 4000 Dusseldorf 1, Germany
- BANK MELLI (Branch), Friedenstrasse 4, P.O. Box 160 154, 6000 Frankfurt am Main, Germany
- BANK MELLI (Branch), P.O. Box 112129, Holzbruecke 2, 2000 Hamburg 11, Germany
- BANK MELLI (Branch), Odeonsplatz 18, 8000 Munich 22, Germany
- BANK MELLI (Branch), 43 Avenue Montaigne, 75008 Paris, France
- BANK MELLI (Branch), 601 Gloucester Tower, The Landmark, 11 Pedder Street, P.O. Box 720, Hong Kong
- BANK MELLI (Representative Office), 333 New Tokyo Building, 3-1 Marunouchi, 3-chome, Chiyoda-ku, Tokyo, Japan
- BANK MELLI (Representative Office), 818 Wilshire Boulevard, Los Angeles, California 90017, U.S.A
- BANK MELLI (Representative Office), 767 Fifth Avenue, 44th Floor, New York, New York 10153, U.S.A
- BANK MELLI (Representative Office), Smolensky Boulevard 22/14, Kv. S., Moscow, Russia
- BANK MELLI (Branch), Flat No. 1, First Floor, 8 Al Sad El-Aaly, Dokki, P.O. Box 2654, Cairo, Egypt
- BANK MELLI (Branch), Ben Yas Street, P.O. Box No. 1894, Riga Deira, Dubai, U.A.E
- BANK MELLI (Branch), P.O. Box 2656, Shaikha Maryam Building, Liwa Street, Abu Dhabi, U.A.E
- BANK MELLI (Branch), B.P.O. Box 1888, Clock Tower, Industrial Road, Al-Ain Club Building in from Emertel Al Ain, Al Ain, Abu Dhabi, U.A.E
- BANK MELLI (Branch), P.O. Box 1894, Riqa, Ban Yas Street, Deira, Dubai, U.A.E
- BANK MELLI (Branch), Mohd-Habib Building, Al-Fahidi Street, P.O. Box 3093, Bur Dubai, Dubai, U.A.E
- BANK MELLI (Branch), P.O. Box 248, Fujairah, U.A.E
- BANK MELLI (Branch), Sami Sagar Building Oman Street Al-Nakheel, P.O. Box 5270, Ras-Al Khaimah, U.A.E
- BANK MELLI (Branch), P.O. Box 459, Al Bory Street, Sharjah, U.A.E.
- BANK MELLI (Branch), P.O. Box 785, Government Road, Shaikh Mubarak Building, Manama, Bahrain
- BANK MELLI (Branch), P.O. Box 23309, Shaikh Salman Street, Road No. 1129, Muharraq 211, Bahrain
- BANK MELLI (Branch), P.O. Box 5643, Mossa Abdul Rehman Hassan Building, 238 Al Burj St., Ruwi, Muscat, Oman

BANK OF INDUSTRY AND MINE (of Iran) (a.k.a. BANK SANAT VA MADAN), Hafez Avenue, P.O. Box 11365/4978, Tehran, Iran

BANK REFAH KARGARAN (a.k.a. WORKERS WELFARE BANK (of Iran)), Moffettah No. 125, P.O. Box 15815 1866, Tehran, Iran

BANK SADERAT IRAN, Bank Saderat Tower, P.O. Box 15745-631, Somayeh Street, Tehran, Iran, and all offices worldwide, including, but not limited to:

- BANK SADERAT IRAN (Branch), Hamdam Street, Airport Road Intersection, P.O. Box 700, Abu Dhabi, U.A.E
- BANK SADERAT IRAN (Branch), Al-Am Road, P.O. Box 1140, Al Ein, Abu Dhabi, U.A.E

- BANK SADERAT IRAN (Branch), Liwara Street, P.O. Box 16, Ajman, U.A.E
- BANK SADERAT IRAN (Branch), 3rd Floor Dom Dasaf Building, Mejloka Street 7A, Ashkhabad, Turkmenistan
- BANK SADERAT IRAN (Branch), 25-29 Panepistimiou Street, P.O. Box 4308, GR-10210, Athens 10672, Greece
- BANK SADERAT IRAN (Branch), Imam Ali Street, Sahat Yaghi, Ras Elain-Alektisad Building 2nd Floor, Baalbeck, Lebanon
- BANK SADERAT IRAN (Branch and Offshore Banking Unit), 106 Government Road, P.O. Box 825, Manama Town 316, Bahrain
- BANK SADERAT IRAN (Branch), Hamra Pavillion Street, Savvagh and Daaboul Building 1st Floor, P.O. Box 113-6717, Beirut, Lebanon
- BANK SADERAT IRAN (Branch), Alghobairi Boulevard, Beirut, Lebanon
- BANK SADERAT IRAN (Branch), 28 Sherif Street, P.O. Box 462, Cairo, Egypt
- BANK SADERAT IRAN (Branch), Old Ben-Ghanem Street (next to God Market), P.O. Box 2256, Doha, Qatar
- BANK SADERAT IRAN (Branch), Almaktoom Road, P.O. Box 4182, Deira, Dubai, U.A.E
- BANK SADERAT IRAN (Branch), Bazar Murshid, P.O. Box 4182, Deira, Dubai, U.A.E
- BANK SADERAT IRAN (Branch), Alfahid Road, P.O. Box 4182, Bur Dubai, Dubai, U.A.E
- BANK SADERAT IRAN (Branch), Sherea Shekikh Zayad Street, P.O. Box 55, Fujairah, U.A.E
- BANK SADERAT IRAN (Branch), Wilhelm Leuschner Strasse 41, P.O. Box 160151, W-6000 Frankfurt am Main, Germany
- BANK SADERAT IRAN (Branch), P.O. Box 112227, Hopfenhof Passage, Kleiner Bustah 6-10, W-2000 Hamburg 11, Germany
- BANK SADERAT IRAN (Branch), Lothbury, London EC2R 7HD, England
- BANK SADERAT IRAN (Representative Office), 707 Wilshire Boulevard, Suite 4880, Los Angeles, California 90017, U.S.A
- BANK SADERAT IRAN (Representative Office), 55 East 59<sup>th</sup> Street, 16<sup>th</sup> Floor, New York, New York 10022, U.S.A
- BANK SADERAT IRAN (Branch), P.O. Box 4269, Mutrah, Muscat, Oman
- BANK SADERAT IRAN (Branch), 16 rue de la Paix, Paris 2eme, 75002 Paris, France
- BANK SADERAT IRAN (Branch), Alaroba Road, P.O. Box 316, Sharjah, U.A.E

BANK SANAT VA MADAN (a.k.a. BANK OF INDUSTRY AND MINE (of Iran)), Hafez Avenue, P.O. Box 11365/4978, Tehran, Iran

BANK SEPAH, Emam Khomeini Square, P.O. Box 11364, Tehran, Iran, and all offices worldwide, including, but not limited to:

- BANK SEPAH (Branch), Muenchener Strasse 49, P.O. Box 10 03 47, W-6000 Frankfurt am Main 1, Germany
- BANK SEPAH (Branch), 5/7 Eastcheap, EC3M 1JT London, England
- BANK SEPAH (Representative Office), 650 Fifth Avenue, New York, New York 10019, U.S.A
- BANK SEPAH (Branch), 17 Place Vendome, 75001 Paris, France.
- BANK SEPAH (Branch), Via Barberini 50, 00187 Rome, Italy
- BANK SEPAH (Representative Office), Ufficio di Rappresentanza, Via Ugo Foscolo 1, 20121 Milan, Italy

BANK TAAVON KESHAVARZI IRAN (a.k.a. AGRICULTURAL COOPERATIVE BANK OF IRAN) No. 129 Patrice Lumumba Street, Jalal-Al-Ahmad Expressway, P.O. Box 14155/6395, Tehran, Iran

BANK TEJARAT, 130 Taleghani Avenue, Nejatollahie, P.O. Box 11365-5416, Tehran, Iran, and all offices worldwide, including, but not limited to:

- BANK TEJARAT (Branch), 6/8 Clements Lane, London EC4N 7AP, England
- BANK TEJARAT (Branch), 44 Avenue des Champs Elysees, 75008 Paris, France

DEUTSCH-IRANISCHE HANDELSBANK AG (n.k.a. EUROPAEISCH-IRANISCHE HANDELSBANK AG) Depenau 2, W-2000 Hamburg 1, Germany, and all offices worldwide, including, but not limited to:

- DEUTSCH-IRANISCHE HANDELSBANK AG (n.k.a. EUROPAEISCH-IRANISCHE HANDELSBANK AG) (Representative Office), 23 Argentine Square, Beihaghi Bulvar, P.O. Box 15815/1787, Tehran 15148, Iran

EUROPAEISCH-IRANISCHE HANDELSBANK AG (f.k.a. DEUTSCH-IRANISCHE HANDELSBANK AG) Depenau 2, W-2000 Hamburg 1, Germany, and all offices world-

wide, including, but not limited to:

- EUROPAEISCH-IRANISCHE HANDELSBANK AG (f.k.a. DEUTSCH-IRANISCHE HANDELSBANK AG) (Representative Office), 23 Argentine Square, Beihaghi Bulvar, P.O. Box 15815/1787, Tehran 15148, Iran

HOUSING BANK (of Iran) (a.k.a. BANK MASKAN), Ferdowsi St., Tehran, Iran

IRAN OVERSEAS INVESTMENT BANK LIMITED (f.k.a. IRAN OVERSEAS INVESTMENT CORPORATION LIMITED), 120 Moorgate, London EC2M 6TS, England, and all offices worldwide, including, but not limited to:

- IRAN OVERSEAS INVESTMENT BANK LIMITED (Representative Office), 1137 Avenue Vali Asr off Park-e-SAIL, P.O. Box 15115/531, Tehran, Iran
- IRAN OVERSEAS INVESTMENT BANK LIMITED (Agency), Suite 3c Olympia House, 61/63 Dame Street, Dublin 2, Ireland
- IRAN OVERSEAS INVESTMENT BANK LIMITED (Agency), Improgetti, Via Germanico 24, 00192 Rome, Italy
- IRAN OVERSEAS TRADING COMPANY LIMITED (Subsidiary), 120 Moorgate, London EC2M 6TS, England

IRAN OVERSEAS INVESTMENT CORPORATION LIMITED (n.k.a. IRAN OVERSEAS INVESTMENT BANK LIMITED), 120 Moorgate, London EC2M 6TS, England

THE CENTRAL BANK OF IRAN (a.k.a. BANK MARKAZI JOMHOURI ISLAMI IRAN), Ferdowsi Avenue, P.O. Box 11365-8551, Tehran, Iran

WORKERS WELFARE BANK (of Iran) (a.k.a. BANK REFAH KARGARAN), Moffettah No. 125, P.O. Box 15815 1866, Tehran, Iran

## Iranian Assets Control Regulations (31 C.F.R Part 535)

Separate Iranian sanctions regulations appear at 31 C.F.R. Part 535. On November 14, 1979, the assets of the Government of Iran in the United States were blocked in accordance with IEEPA, following the seizure of the American Embassy in Teheran and the taking of U.S. diplomats as hostages. Under the Iranian Assets Control Regulations (Title 31 Part 535 of the U.S. Code of Federal Regulations), some US\$12 billion in Iranian Government bank deposits, gold, and other properties were frozen, including \$5.6 billion in deposits and securities held by overseas branches of U.S. banks. The assets freeze was eventually expanded to a full trade embargo, which remained in effect until the Algiers Accords were signed with Iran on January 19, 1981. Pursuant to the Accords, most Iranian assets in the United States were unblocked and the trade embargo was lifted. The U.S. Government also canceled any attachments that U.S. parties had secured against Iranian assets in the United States, so that the assets could be returned to Iran or transferred to escrow accounts in third countries pursuant to the Accords. This action was upheld by the Supreme Court in 1981 in *Dames & Moore v. Regan*. Although greatly modified in scope, the old Iranian Assets Control Regulations remain in effect. Many U.S. nationals have claims against Iran or Iranian entities for products shipped or services rendered before the onset of the 1979 embargo or for losses sustained in Iran due to expropriation during that time. These claims are still being litigated in the Iran-United States Claims Tribunal at The Hague established under the Algiers Accords. Certain assets related to these claims remain blocked in the United States and consist mainly of military and dual-use property.

## F—TERRORISM

Terrorism Sanctions Regulations (31 C.F.R. Part 595)  
Terrorism List Governments Sanctions Regulations (31 C.F.R. Part 596)  
Foreign Terrorist Organizations Sanctions Regulations (31 C.F.R. Part 597) and Executive Order 13224

On January 23, 1995, President Clinton signed Executive Order 12947, “Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process.” The Order blocked all property subject to U.S. jurisdiction in which there is any interest of 12 Middle East terrorist organizations included in an Annex to the Order. On August 20, 1998, the



President signed Executive Order 13099 to amend Executive Order 12947, adding additional names. Executive Order 12947 blocks the property and interests in property of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed or to pose a significant risk of disrupting the Middle East peace process, or (2) to assist in, sponsor or provide financial, material, or technological support for, or services in support of, such acts of violence. The Order further blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of any other person designated pursuant to the Order (collectively “Specially Designated Terrorists” or “SDTs”). SDTs are integrated into OFAC’s alphabetized master list of Specially Designated Nationals and Blocked Persons with an identifier of “[SDT].” They have also been separately listed in a special OFAC brochure entitled *Terrorism: What You Need to Know About U.S. Sanctions*. The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. It has been implemented by the Terrorism Sanctions Regulations.

On April 24, 1996, President Clinton signed into law the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-132, 110 Stat. 1214-1319. Section 321 of the Act makes it a criminal offense for U.S. persons, except as provided in regulations issued by the Secretary of the Treasury in consultation with the Secretary of State, to engage in financial transactions with the governments of countries designated under section 6(j) of the Export Administration Act of 1979, 50 U.S.C. App. 2405, as supporting international terrorism. U.S. persons who engage in such transactions are subject to criminal penalties under title 18, United States Code. In implementation of section 321, the Treasury Department has issued the Terrorism List Governments Sanctions Regulations.

The countries currently designated under section 6(j) of the Export Administration Act are Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. The provisions of existing OFAC regulations governing Cuba, Iran, Iraq, Libya, North Korea, and Sudan continue in effect with the added authority of section 321. Financial transactions of U.S. persons with the governments of those six countries are governed by the separate parts of Title 31 Chapter V of the U.S. Code of Federal Regulations imposing economic sanctions on those countries and information about those programs is available in separate OFAC brochures. Regarding the governments of countries designated under section 6(j) that are not otherwise subject to economic sanctions administered by OFAC, at present the government of Syria, the Terrorism List Governments Sanctions Regulations prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the U.S. person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States. Banks located in the United States and U.S. banks located offshore must reject transfers in the form of gifts or charitable contributions from the government of Syria, or from entities owned or controlled by the government of Syria, unless the bank knows or has reasonable cause to believe that the transaction poses a risk of furthering terrorism in the United States, in which case the funds must be retained by the bank. Banks should immediately notify OFAC Compliance about any retained items. Reject items must be reported within 10 business days of rejection. For the purposes of this program only, a financial transaction not originated by the government of Syria (including its central bank and government owned-or-controlled banks acting for their own accounts),

but transferred to the United States through one of those banks, is not considered to be a prohibited financial transaction with the government of Syria.

Section 302 of the Antiterrorism and Effective Death Penalty Act of 1996 also authorizes the Secretary of State to designate organizations as “Foreign Terrorist Organizations” (“FTOs”). The Act makes it a criminal offense for U.S. persons to provide material support or resources to FTOs and requires financial institutions to block all funds in which FTOs or their agents have an interest. The term “financial institutions” comes from 31 U.S.C. 5312(a)(2) and is defined very broadly. Among the types of businesses covered by Treasury’s Foreign Terrorist Organizations Sanctions Regulations, which implement Sections 302 and 303 of the Act, are banks, securities and commodities broker/dealers, investment companies, currency exchanges, issuers, redeemers, and cashiers of traveler’s checks, checks, money orders, or similar instruments, credit card system operators, insurance companies, dealers in precious metals, stones or jewels, pawnbrokers, loan and finance companies, travel agencies, licensed money transmitters, telegraph companies, businesses engaged in vehicle sales, including automobile, airplane or boat sales, persons involved in real estate closings or settlements, and casinos. Such “financial institutions” must notify OFAC Compliance about any blocked funds within ten days of blocking. The Act provides for civil penalties to be assessed against financial institutions for failing to block or report the blocking of FTO funds in an amount equal to \$50,000 per violation or twice the amount which ought to have been blocked or reported, whichever is greater. Foreign Terrorist Organizations and their agents are integrated into OFAC’s alphabetized master list of Specially Designated Nationals and Blocked Persons with an identifier of “[FTO].” They have been separately listed in OFAC’s *Terrorism: What You Need to Know* brochure.

#### **EXECUTIVE ORDER 13224 - BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and

expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is

prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term “terrorism” means an activity that —

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended —

(A) to intimidate or coerce a civilian population; (B) to influence the policy of a government by intimidation or coercion; or (C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106\_387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such

actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11.(a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

## **G—NARCOTICS**

An overview of U.S. sanctions against Drug Traffickers

### **Foreign Narcotics Kingpin Designation Act**

On December 3, 1999, the President signed into law the Foreign Narcotics Kingpin Designation Act (the “Kingpin Act”), 21 U.S.C. §§ 1901-1908, 8 U.S.C §§ 1182.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Kingpin Act blocks the property and interests in property, subject to U.S. jurisdiction, of foreign persons designated by the Secretary of Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, who are found to be: (1) materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

Significant foreign narcotics traffickers and foreign persons designated by the Secretary of the Treasury are referred to collectively as Specially Designated Narcotics Traffickers. Foreign persons designated under the

Kingpin Act are referred to as “[SDNTK]s” on OFAC’s listing of “Specially Designated Nationals and Blocked Persons” to differentiate them from the Specially Designated Narcotics Traffickers named under Executive Order 12978 (see below).

U.S. persons are prohibited from engaging in any transaction or dealing in property or interests in property of [SDNTK]s and from engaging in any transaction that evades or avoids the prohibitions of the Kingpin Act. These prohibitions affect trade transactions as well as accounts, securities, and other assets.

On June 1, 2000, the President identified the following twelve foreign persons as significant foreign narcotics traffickers under the Kingpin Act:

- (1) AMEZCUA-CONTRERAS, Jose de Jesus
- (2) AMEZCUA-CONTRERAS, Luis Ignacio
- (3) ARELLANO-FELIX, Benjamin Alberto
- (4) ARELLANO-FELIX, Ramon Eduardo
- (5) CARO-QUINTERO, Rafael
- (6) CARRILLO-FUENTES, Vicente
- (7) CHANG Chi Fu
- (8) HEATH, Noel Timothy
- (9) MATTHEWS, Glenroy Vingrove
- (10) OGUNGBUYI, Abeni O.
- (11) OGUNGBUYI, Oluwole A.
- (12) WEI Hsueh Kang

On June 1, 2001, more names were added:

- (13) ALVAREZ TOSTADO, Jose
- (14) AFGHAN, Sher
- (15) CARDENAS GUILLEN, Osiel
- (16) CARO QUINTERO, Miguel Angel
- (17) CHANG, Ping Yun
- (18) GILBOA, Joseph
- (19) GUZMAN LOERA, Joaquin
- (20) HAMIEH, Jamiel
- (21) HIGUERA GUERRERO, Ismael
- (22) KHAN, Nasir Ali
- (23) MALHERBE DE LEON, Oscar
- (24) RAMON MAGANA, Alcides

On May 31, 2002, the President identified the following seven foreign persons as significant foreign narcotics traffickers under the Kingpin Act:

- (25) DA COSTA, Luis Fernando
- (26) GONZALEZ QUIRARTE, Eduardo
- (27) IBRAHIM, Haji
- (28) KNOWLES, Samuel
- (29) TUITO, Oded
- (30) VILLANUEVA MADRID, Mario Ernesto
- (31) ZAMBADA GARCIA, Ismael

Effective 12:01am Eastern Daylight Time on June 2, 2003, the President identified the following seven foreign persons as significant foreign narcotics traffickers under the Kingpin Act:

- (32) DIAS DE MENDONCA, Leonardo

- (33) ESPARRAGOZA MORENO, Juan Jose
- (34) PALMA SALAZAR, Hector Luis
- (35) QUINTERO MERAZ, Jose Albino
- (36) REVOLUTIONARY ARMED FORCES OF COLOMBIA
- (37) UNITED SELF-DEFENSE FORCES OF COLOMBIA
- (38) UNITED WA STATE ARMY

On January 30, 2002, OFAC identified the following 27 foreign entities and foreign individuals as derivative designations of significant foreign narcotics traffickers named under the Kingpin Act:

**Entities:**

- (1) ACCESOS ELECTRONICOS, S.A. de C.V.
- (2) ADMINISTRADORA DE INMUEBLES VIDA, S.A. de C.V.
- (3) ADP, S.C.
- (4) COMPLEJO TURISTICO OASIS, S.A. de C.V.
- (5) DHL WORLDWIDE EXPRESS [Office in St Kitts & Nevis ONLY]
- (6) DISTRIBUIDORA IMPERIAL DE BAJA CALIFORNIA, S.A. de C.V.
- (7) FARMACIA VIDA SUPREMA, S.A. de C.V.
- (8) FORPRES, S.C.
- (9) FREIGHT MOVERS INTERNATIONAL [Office in St Kitts & Nevis ONLY]
- (10) GEX EXPLORE, S. de R.L. de C.V.
- (11) OPERADORA VALPARK, S.A. de C.V.
- (12) VALPARK, S.A. de C.V.

**Individuals:**

- (13) AGUILAR AMAO, Miguel
- (14) AGUIRRE GALINDO, Manuel
- (15) ALBA CERDA, Salvador
- (16) ARELLANO FELIX, Enedina
- (17) FREGOSO AMEZQUITA, Maria Antonieta
- (18) GALINDO LEYVA, Esperanza
- (19) GIL GARCIA, Jose Alejandro
- (20) HERNANDEZ PULIDO, Maria Elda
- (21) MATTHEW, Karen
- (22) MIJARES TRANCOSO, Gilberto
- (23) MORENO MEDINA, Luis Ignacio
- (24) OROPEZA MEDRANO, Francisco Javier
- (25) OROZCO CARDENAS, Adrian
- (26) RAMIREZ AGUIRRE, Sergio Humberto
- (27) TOLEDO CARREJO, Luis Raul

In addition to being integrated into OFAC’s alphabetized master list of Specially Designated Nationals and Blocked Persons, [SDNT]s have also been separately listed in a special OFAC brochure entitled *Narcotics: What You Need to Know About U.S. Sanctions Against Drug Traffickers — An Overview of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. §§ 1901\_1908, 8 U.S.C §§ 1182) and Executive Order 12978 of October 21, 1995*).

**Executive Order 12978 of October 21, 1995**

On October 21, 1995, President Clinton signed Executive Order 12978 entitled “Blocking Assets and Prohibiting Transactions with Significant

Narcotics Traffickers” (the “Order”), which imposes sanctions with respect to narcotics traffickers centered in Colombia. Executive Order 12978 has been implemented by the “Narcotics Trafficking Sanctions Regulations” at 31 CFR Part 536.

The Order blocks all property subject to U.S. jurisdiction in which there is any interest of four principal figures in the Cali drug cartel who are listed in the annex to the Order. Those four individuals are named as “Principal Individuals.” In addition, the Order blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia, or (b) to materially assist in or provide financial or technological support for, or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively “Specially Designated Narcotics Traffickers”). Those designated are referred to as “[SDNT]s” on OFAC’s listing of “Specially Designated Nationals and Blocked Persons” to differentiate them from the Specially Designated Narcotics Traffickers named under the Kingpin Act. In addition to being integrated into OFAC’s alphabetized master list of Specially Designated Nationals and Blocked Persons, [SDNT]s have also been separately listed in a special OFAC brochure entitled *Narcotics: What You Need to Know About U.S. Sanctions Against Drug Traffickers — An Overview of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. §§ 1901\_1908, 8 U.S.C §§ 1182) and Executive Order 12978 of October 21, 1995*).

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of [SDNT]s, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order. This obviously impacts trade transactions (involving, for example, letters of credit) as well as accounts and other assets.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

**H—BURMA (MYANMAR)**

Burmese Sanctions Regulations (31 C.F.R. Part 537)

The President has issued the following Executive Order with respect to Burma effective 12:01am Eastern Daylight Time on Tuesday, July 29, 2003:

**EXECUTIVE ORDER BLOCKING PROPERTY OF THE GOVERNMENT OF BURMA AND PROHIBITING CERTAIN TRANSACTIONS**

“By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), the Burmese Freedom and Democracy Act of 2003 (July 28, 2003), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the Government of Burma’s continued repression of the democratic opposition in Burma and

with respect to the national emergency declared in Executive Order 13047 of May 20, 1997;

I, GEORGE W. BUSH, President of the United States of America, hereby order:

**Section 1.** Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106-387) (TSRA), or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex attached to and made a part of this order; and

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing; or

(ii) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

**Sec. 2.** Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), the TSRA, or regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, the following are prohibited:

(a) the exportation or reexportation, directly or indirectly, to Burma of any financial services either (i) from the United States or (ii) by a United States person, wherever located; and

(b) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this order if performed by a United States person or within the United States;

**Sec. 3.** Beginning 30 days after the effective date of this order, and except to the extent provided in section 8 of this order and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to 30 days after the effective date of this order, the importation into the United States of any article that is a product of Burma is hereby prohibited.

**Sec. 4.** (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 5.** For purposes of this order:

(a) the term ‘person’ means an individual or entity;

(b) the term ‘entity’ means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ‘United States person’ means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term ‘Government of Burma’ means the Government of Burma (sometimes referred to as Myanmar), its agencies, instrumentalities and controlled entities, and the Central Bank of Burma.

**Sec. 6.** I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13047, and hereby prohibit such donations as provided by section 1 of this order.

**Sec. 7.** For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13047, there need be no prior notice of a listing or determination made pursuant to this order.

**Sec. 8.** Determining that such a waiver is in the national interest of the United States, I hereby waive the prohibitions described in section 3 of the Burmese Freedom and Democracy Act of 2003 with respect to any and all articles that are a product of Burma to the extent that prohibiting the importation of such articles would conflict with the international obligations of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, and other legal instruments providing equivalent privileges and immunities.

**Sec. 9.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and sections 3(a) and 4 of the Burmese Freedom and Democracy Act of 2003, other than the authority to make the determinations and certification to Congress that Burma has met the conditions described in 3(a)(3) of the Act, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. The Secretary of State is authorized to exercise the functions and authorities conferred upon the President by section 3(b) of the Burmese Freedom and Democracy Act of 2003 and to redelegate these functions and authorities consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 10.** The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

**Sec. 11.** Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under

31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

**Sec. 12.** Sections 1 through 7 of Executive Order 13047 are hereby revoked to the extent they are inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order 13047, not inconsistent with section 3 of this order and not revoked administratively, shall remain in full force and effect under this order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order 13047 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

**Sec. 13.** All provisions of this order other than section 3 shall not apply to any activity, or any transaction incident to an activity, undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that was entered into by a United States person with the Government of Burma or a nongovernmental entity in Burma prior to 12:01 a.m. eastern daylight time on May 21, 1997.

**Sec. 14.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

**Sec. 15.** This order is effective on 12:01 a.m. eastern daylight time on July 29, 2003.

**Sec. 16.** This order shall be transmitted to the Congress and published in the *Federal Register*."

## PROGRAM AS PREVIOUSLY SUMMARIZED:

• **INTRODUCTION** - On May 20, 1997, in response to the Burmese Government's large scale repression of and violence against the Democratic opposition, President Clinton issued Executive Order No. 13047 declaring a national emergency with respect to Burma. The order, issued under the authority §§ 570(b) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1997 (Public Law 104-208) (the "Act") and the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) ("IEEPA"), prohibits new investment in Burma by U.S. persons, and their facilitation of new investment in Burma by foreign persons. The summary which follows is intended as a broad overview of the Regulations.

Criminal penalties for violating the Burmese Sanctions Regulations range up to 10 years in jail, \$500,000 in corporate, and \$250,000 in individual fines. In addition, civil penalties of up to \$11,000 per violation may be imposed administratively.

• **NEW INVESTMENT** - The sanctions prohibit new investment in Burma (Myanmar) by U.S. persons on or after May 21, 1997, unless such investment is pursuant to an agreement in place prior to May 21, 1997. A number of criteria are used to determine whether or not a specific activity is "grandfathered." Factors taken into account include the clarity of the scope of the agreement, the degree of specificity with which the activity is described, and the extent to which the terms of the agreement are legally enforceable. U.S. persons with pre-effective date agreements for the economic development of resources located in Burma should contact the Office of Foreign Assets Control for a determination as to whether or not

their project is exempted from the sanctions.

New investment in Burma is defined as a contract with the Government of Burma or a nongovernmental entity in Burma for the development of resources (including natural, agricultural, commercial, financial, industrial and human resources) located in Burma. The prohibition includes purchasing a share of ownership (an equity interest) in a project or entering into an agreement which provides for a participation in royalties, earnings, and profits from the economic development of resources located in Burma. The Executive order also prohibits a U.S. company from entering into a contract which provides for the general supervision and guarantee of another person's performance of an agreement for the economic development of resources located in Burma.

Some examples of prohibited new investment are as follows:

- A U.S. company wishes to build a new factory in Burma where its products will be produced. This is likely to involve an agreement for the development of industrial, commercial, and human resources located in Burma and is prohibited.
- A U.S. contractor has been asked by a foreign oil company to be the general contractor for its oil exploration project in Burma. The U.S. company would not only supervise the sub-contractors, but also guarantee their performance. This activity is considered new investment and is prohibited.
- A U.S. sub-contractor has been asked to perform a service for the general contractor in the previous example, but will have no supervisory functions. The sub-contractor is merely providing a service and its activities in Burma are *not* prohibited.
- A U.S. company has been asked by a European company to provide ongoing technical support for its factory in Burma. The contract calls for the U.S. company to be paid a percentage of the profits generated by the Burmese factory. This is a prohibited new investment in Burma.

• **FACILITATION** - A U.S. person is prohibited from approving, aiding or supporting a foreign person's investment in Burma, if the foreign person's activity would constitute prohibited new investment if engaged in by a U.S. person. Exception: While contracting to sell to a foreign person a U.S. person's equity or income interest in a development project in Burma constitutes facilitation of that foreign person's investment in Burma, such a divestiture is authorized by general license to proceed. If the transaction is valued at more than \$10,000, a report must be filed for statistical purposes with the Office of Foreign Assets Control, within ten business days of the signing of such an agreement.

Examples of prohibited facilitation of a foreign person's new investment in Burma follow:

- The foreign subsidiary of a U.S. company wishes to bid on a project to develop a coal mine in Burma. The U.S. parent cannot approve, supervise, or otherwise be involved in the foreign subsidiary's negotiations with regard to this project.
- A U.S. oil company holds a pre-effective date contract to develop a Burmese oil field. It wishes to sell its rights under the contract to a foreign company. It is authorized to sell an interest without prior authorization from OFAC, but if the agreement is valued at more than \$10,000, the seller must file a report with OFAC within ten days of the signing of the agreement.

• **INVESTMENT IN THIRD COUNTRY COMPANIES** - U.S. persons are prohibited from purchasing shares in a third-country

company where the company's profits are predominantly derived from the company's economic development of resources located in Burma. If a person holds shares in an entity that subsequently engages exclusively or predominantly in the economic development of resources in Burma, or subsequently derives its income exclusively or predominantly from such activity, the U.S. person is not required to relinquish its shares, but may not purchase additional shares. If the U.S. person sells off shares valued at more than \$10,000, the seller must file a report with OFAC for statistical purposes within ten days of the sale.

## **I—SUDAN**

### **Sudanese Sanctions Regulations (31 C.F.R. Part 538)**

• **INTRODUCTION** - On November 3, 1997, after finding that the policies and actions of the Government of Sudan, including continued support for international terrorism, ongoing efforts to destabilize neighboring governments, and the prevalence of human rights violations, including slavery and the denial of religious freedom, constituted an unusual and extraordinary threat to the national security and foreign policy of the United States, President Clinton issued Executive Order No. 13067, declaring a national emergency to deal with that threat. The order, issued under the authority of International Emergency Economic Powers Act (50 U.S.C. 1701-1706) ("IEEPA"), the National Emergencies Act (50 U.S.C. 1601 et seq.) and section 301 of title 3, United States Code, imposed a trade embargo against Sudan and a total asset freeze against the Government of Sudan. The Sudanese Sanctions Regulations, 31 C.F.R. Part 538 (the "Regulations") implement Executive Order No. 13067.

Criminal penalties for violating the Regulations range up to 10 years in jail, \$500,000 in corporate, and \$250,000 in individual fines. Civil penalties of up to \$11,000 per violation may also be imposed administratively.

• **BUYING FROM SUDAN** - Goods or services of Sudanese origin may not be imported into the United States either directly or through third countries without a license. Exceptions include: (1) Sudanese merchandise up to \$100 in value in non-commercial quantities may be brought into the United States either for strictly personal use as accompanied baggage or sent as a gift to a person in the United States and (2) information or informational materials may be imported without restriction. All other imports of Sudanese origin must be authorized by the Office of Foreign Assets Control.

Importation into the United States from third countries of goods containing raw materials or components of Sudanese origin is not prohibited if those raw materials or components have been incorporated into manufactured products or otherwise substantially transformed in a third country.

• **SELLING TO SUDAN** - Except for information or informational materials and donated articles intended to relieve human suffering, such as food, clothing and medicine, and the licensed export of agricultural commodities, medicine, and medical devices, no goods, technology, or services may be exported from the United States to Sudan, either directly or through third countries, without a license. Exportation of goods or technology from the United States to third countries is prohibited if the exporter knows, or has reason to know, that the goods or technology are intended for transshipment to Sudan. The exportation of goods or

technology intended specifically for incorporation or substantial transformation into a third-country product is also prohibited if the particular product is to be used in Sudan, is being specifically manufactured to fill a Sudanese order, or if the manufacturer's sales of the particular product are predominantly to Sudan.

No U.S. bank, including its foreign branches, may finance, or arrange offshore financing for, third-country trade transactions where Sudan is known to be the ultimate destination of, or the Government of Sudan is the purchaser of, the goods. Arranging transactions which ultimately benefit Sudan (for example, brokering third-country sales to Sudan) constitutes an exportation of brokerage services to Sudan in violation of the Regulations. The Regulations also prohibit non-U.S. persons from unauthorized re-exportation of U.S. origin goods to Sudan.

• **SPECIALLY DESIGNATED NATIONALS** - Individuals or organizations that are owned or controlled by, or act on behalf of, the Government of Sudan anywhere in the world may be named by the U.S. Treasury Department as "Specially Designated Nationals" ("SDNs") of Sudan. U.S. persons are prohibited from transacting business with these individuals and entities, and all of their property in the United States or in the possession or control of a U.S. person is blocked. Their names are published in the Federal Register, an official publication of the U.S. Government. A listing of such SDNs may be obtained by calling the Office of Foreign Assets Control ("OFAC") at 202/622-2490. The listing, however, is a partial one and any U.S. individual or organization engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not owned or controlled by or acting on behalf of Sudan. U.S. individuals or organizations who violate the Regulations by transacting business with Specially Designated Nationals may be subject to civil or criminal prosecution.

• **SUDANESE GOVERNMENT ASSETS BLOCKED** - Effective November 4, 1997, all property and interests in property of the Government of Sudan, including its agencies, instrumentalities and controlled entities and SDNs, in the United States or in the possession or control of a U.S. person, including their overseas branches, are blocked. All transfers of such property must be authorized by the OFAC. Any unlicensed funds transfer involving a direct or indirect interest of the Government of Sudan (including any transfer routed to a Sudanese Government-controlled bank) for which banks subject to U.S. jurisdiction receive instructions must be deposited into a blocked account on the books of the bank receiving the instructions. Such funds may not be returned to a remitter without a specific license from the OFAC. No unlicensed debits may be made to blocked accounts to pay obligations of U.S. or other persons, whether the obligations arose before or after the sanctions against Sudan were imposed. Setoffs against blocked accounts are prohibited.

• **FINANCIAL DEALINGS WITH SUDAN** - Payments for and financing of licensed sales of agricultural commodities, medicine, and medical devices may be accomplished by cash in advance, sales on open account (provided the account receivable is not transferred by the person extending the credit), or by third country financial institutions that are neither U.S. persons nor government of Sudan entities. U.S. banks may advise and confirm letters of credit issued by third country banks covering such licensed sales.

Payments for licensed sales of agricultural commodities, medicine, and medical devices, which must reference an appropriate OFAC license, may not involve a debit to a blocked account on the books of a U.S. depository institution. Before a U.S. bank initiates a payment, or credits

its customer for a licensed transaction, it must determine that the transfer is authorized.

As a rule, all other financial dealings with Sudan are prohibited, including the performance by any U.S. person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan.

U.S. persons are authorized to send and receive personal remittances to and from Sudan, provided that such transfers are not processed through a bank owned or controlled by the Government of Sudan. Financing related to trade contracts involving Sudan which were in place prior to November 4, 1997, and for which underlying transactions were completed by December 4, 1997, may be completed in accordance with their terms, provided that no debits are made to a blocked account.

• **PROHIBITED FACILITATION** - The Regulations prohibit the facilitation by a U.S. person of the direct or indirect exportation or reexportation of goods, technology or services to or from Sudan. Facilitation of a trade or financial transaction that could be lawfully engaged in directly by a U.S. person or from the United States is not prohibited. Likewise, performance of services of a purely clerical or reporting nature that does not further trade or financial transactions with Sudan or the Government of Sudan will not violate the prohibition on exportation of services to Sudan.

• **NON-GOVERNMENTAL ORGANIZATIONS** - Registration numbers may be issued by OFAC on a case-by-case basis to non-governmental organizations (“NGOs”) involved in humanitarian or religious activities in Sudan. A registration number authorizes certain transactions by or on behalf of the registered NGO that would be otherwise prohibited, such as the exportation of goods or services, or the transfer of funds directly into Sudan, for the purpose of relieving human suffering. Applications for registration must include the following information (names of individuals and organizations should be provided in English, in the language of origin, or transliterated when not possible and should include any acronym or other names used to identify the individuals or organizations):

(a) Organization name;

(b) Address and phone number of the organization’s headquarters location;

(c) Full name, nationality, citizenship, current country of residence, birth dates and places of birth for key staff at the organization’s headquarters, such as the chairman and board members, president, director, etc.;

(d) Identification of field offices or partner offices elsewhere, including addresses, phone numbers, and organizational names used, as well as the identification of the senior officer(s) at these locations, including their name, nationality, citizenship, position, and date of birth;

(e) Identification of subcontracting organizations, if any, to the extent known or contemplated at the time of the proposal;

(f) Existing sources of income, such as official grants, private endowments, commercial activities, etc.;

(g) Financial institutions that hold deposits on behalf of or extend lines of credit to the organization;

(h) Independent accounting firms (if employed in the production of the organization’s financial statements);

(i) Most recent official registry documents, annual reports, and annual filings with the local government, as applicable / available;

(j) Names and addresses of organizations that the applicant currently provides or proposes to provide funding, services or material support to, as applicable;

(k) A detailed description of the organization’s humanitarian or religious activities and projects in Sudan.

Registrants conducting transactions for their Sudanese operations should reference their registration number on all funds transfer, purchase, shipping, and financing documents. Registration numbers are valid for three years; OFAC records must be updated by Registrants with any changes to (a) - (j) that take place within the three-year period.

## J—NONPROLIFERATION

Weapons of Mass Destruction Trade Control Regulations (31 C.F.R. Part 539)

Executive Order 13159 dealing with Highly Enriched Uranium

### • WMD Trade Control Regulations

In 1994, President Clinton issued Executive Order 12938 declaring a national emergency with respect to the proliferation of nuclear, biological, and chemical weapons (“weapons of mass destruction”) and the means for delivering them. On July 28, 1998, he amended that Order by issuing Executive Order 13094, imposing, among other measures, an import ban on foreign persons determined by the Secretary of State to have engaged in activities related to the proliferation of weapons of mass destruction on or after November 16, 1990. The new import ban has been implemented by the Weapons of Mass Destruction Trade Control Regulations (the “Regulations”).

• **IMPORT BAN** - The Regulations prohibit the direct or indirect importation into the United States, including for transshipment or transit, of any goods, technology, or services produced or provided by the foreign persons designated by the Secretary of State. Importation into the United States of goods or technology is prohibited if undertaken with the knowledge or reason to know that such goods contain raw materials, components, or technology produced or provided by a designated foreign person. No U.S. person (which includes any person within the United States) may finance, act as a broker for, transport, or otherwise participate in the importation into the United States of prohibited goods, technology, or services. Publications, artwork, and other informational materials are exempted from the import ban.

Services are considered to be imported into the United States where either the services or their benefit are received in the United States. The benefit of services is received in the United States if the services are: (1) performed on behalf of or for the benefit of a person located in the United States; (2) received by a person located in the United States; (3) received by a person located outside the United States on behalf of or for the benefit of an entity organized in the United States; or (4) received by an



individual temporarily located outside the United States for the purpose of obtaining such services for use in the United States.

**•FOREIGN PERSONS DESIGNATED BY THE SECRETARY OF STATE** - The following foreign persons (with name variations as shown) have been designated by the Secretary of State as subject to the import ban. Along with any entities owned or controlled by them, they are the current targets of these restrictions. The applicable effective date of the restrictions and citation to the *Federal Register* notice designating the foreign person is given in brackets after that person's name and identifying information.

BALTIC STATE TECHNICAL UNIVERSITY, wherever located, including 1/21, 1-ya Krasnoarmeiskaya Ul., 198005 St. Petersburg, Russia [63 *FR* 42089, July 30, 1998]

CHINA PRECISION MACHINERY IMPORT/EXPORT CORPORATION (a.k.a. CPMIEC), wherever located, including 3/F, Minxing Building No. 190, 817 (North) Road, Fuzhou City, Fujian Province, China [July 30, 2003]

CPMIEC (a.k.a. CHINA PRECISION MACHINERY IMPORT/EXPORT CORPORATION), wherever located, including 3/F, Minxing Building No. 190, 817 (North) Road, Fuzhou City, Fujian Province, China [July 30, 2003]

D. MENDELEYEV UNIVERSITY OF CHEMICAL TECHNOLOGY OF RUSSIA, wherever located, including 9 Miusskaya Sq., Moscow 125047, Russia [64 *FR* 2935, January 8, 1999]

ENTEK (a.k.a. NIKIET; a.k.a. RESEARCH AND DEVELOPMENT INSTITUTE OF POWER ENGINEERING [RDIPE]; a.k.a. THE SCIENTIFIC RESEARCH AND DESIGN INSTITUTE OF POWER TECHNOLOGY), wherever located, including 101000, P.O. Box 788, Moscow, Russia [64 *FR* 2935, January 8, 1999]

EUROPALACE 2000, wherever located, including Moscow, Russia [63 *FR* 42089, July 30, 1998]

GLAVKOSMOS, wherever located, including 9 Krasno proletarskaya St., 103030 Moscow, Russia [63 *FR* 42089, July 30, 1998]

GRAFIT (a.k.a. NIIGRAFIT; a.k.a. STATE SCIENTIFIC RESEARCH INSTITUTE OF GRAPHITE), wherever located, including 2 Ulitsa Elektrodnyaya, 111524 Moscow, Russia [63 *FR* 42089, July 30, 1998]

KHAN RESEARCH LABORATORIES, Pakistan [68 *FR* 16114, April 2, 2003 - effective March 24, 2003]

MAI (a.k.a. MOSCOW AVIATION INSTITUTE), wherever located, including 4 Volokolamskoye Shosse, Moscow 125871, Russia [64 *FR* 2935, January 8, 1999]

MOSCOW AVIATION INSTITUTE (a.k.a. MAI), wherever located, including 4 Volokolamskoye Shosse, Moscow 125871, Russia [64 *FR* 2935, January 8, 1999]

MOSO COMPANY, wherever located, including Moscow, Russia [63 *FR* 42089, July 30, 1998]

NIIGRAFIT (a.k.a. GRAFIT; a.k.a. STATE SCIENTIFIC RESEARCH INSTITUTE OF GRAPHITE), wherever located, including 2 Ulitsa Elektrodnyaya, 111524 Moscow, Russia [63 *FR* 42089, July 30, 1998]

NIKIET (a.k.a. ENTEK; a.k.a. RESEARCH AND DEVELOPMENT INSTITUTE OF POWER ENGINEERING [RDIPE]; a.k.a. THE SCIENTIFIC RESEARCH AND DESIGN INSTITUTE OF POWER TECHNOLOGY), wherever located, including 101000, P.O. Box 788, Moscow, Russia [64 *FR* 2935, January 8, 1999]

NORINCO (a.k.a. NORTH CHINA INDUSTRIES CORPORATION), China [68 *FR* 28314, May 23, 2003 - effective May 9, 2003]

NORTH CHINA INDUSTRIES CORPORATION (a.k.a. NORINCO), China [68 *FR* 28314, May 23, 2003 - effective May 9, 2003]

RDIPE [RESEARCH AND DEVELOPMENT INSTITUTE OF POWER ENGINEERING] (a.k.a. ENTEK; a.k.a. NIKIET; a.k.a. THE SCIENTIFIC RESEARCH AND DESIGN INSTITUTE OF POWER TECHNOLOGY), wherever located, including 101000, P.O. Box 788, Moscow, Russia [64 *FR* 2935, January 8, 1999]

RESEARCH AND DEVELOPMENT INSTITUTE OF POWER ENGINEERING [RDIPE] (a.k.a. ENTEK; a.k.a. NIKIET; a.k.a. THE SCIENTIFIC RESEARCH AND DESIGN INSTITUTE OF POWER TECHNOLOGY), wherever located, including 101000, P.O. Box 788, Moscow, Russia [64 *FR* 2935, January 8, 1999]

SHAHID HEMMAT INDUSTRIAL GROUP, Iran [68 *FR* 28315, May 23, 2003 - effective May 9, 2003]

STATE SCIENTIFIC RESEARCH INSTITUTE OF GRAPHITE (a.k.a. GRAFIT; a.k.a. NIIGRAFIT), wherever located, including 2 Ulitsa Elektrodnyaya, 111524 Moscow, Russia [63 *FR* 42089, July 30, 1998]

THE SCIENTIFIC RESEARCH AND DESIGN INSTITUTE OF POWER TECHNOLOGY (a.k.a. ENTEK; a.k.a. NIKIET; a.k.a. RESEARCH AND DEVELOPMENT INSTITUTE OF POWER ENGINEERING [RDIPE]), wherever located, including 101000, P.O. Box 788, Moscow, Russia [64 *FR* 2935, January 8, 1999]

## • Executive Order 13159 dealing with HEU

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses and protected from diversion to activities of proliferation. In 1993, the United States and the Russian Federation entered into an international agreement for the conversion of highly enriched uranium ("HEU") extracted from Russian nuclear weapons into low enriched uranium for use in commercial nuclear reactors. Under these agreements, 500 metric tons of highly enriched uranium will be converted to low enriched uranium over a 20 year period; this is the equivalent of 20,000 nuclear warheads.

On June 21, 2000, President Clinton issued Executive Order 13159 "blocking property of the Russian Federation relating to the disposition of highly enriched uranium extracted from nuclear weapons." This Order is explicitly directed at the property used to implement the agreements and prevents attachment or garnishment in the United States. It is meant to protect a very specific set of assets, which will be clearly defined by regulations, orders, directives, or licenses issued by the U.S. Treasury Department's Office of Foreign Assets Control and does not block any property or interests in property of the government of the Russian Federation not directly related to the implementation of the agreements. The Office of Foreign Assets Control has issued the Highly Enriched Uranium (HEU) Agreement Assets Control Regulations, 31 C.F.R. Part 540, in connection with this Executive Order.

## K—DIAMOND TRADING

Rough Diamonds Control Regulations (31 CFR Part 592)

**•BACKGROUND** - On January 18, 2001, in Executive Order 13194 (66 *FR* 7389, Jan. 23, 2001), the President declared a national emergency in response to the role played by the illicit trade in diamonds in fueling conflict and human rights violations in Sierra Leone and prohibited the importation into the United States of rough diamonds from Sierra Leone that were not controlled by the Government of Sierra Leone through its Certificate of Origin regime. On May 22, 2001, the President issued Executive Order 13213 (66 *FR* 28829, May 24, 2001), in which he expanded the scope of the national emergency declared in Executive Order 13194 to respond to the Government of Liberia's complicity in the illicit trade in rough diamonds through Liberia and also prohibited, subject to limited exceptions, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. These Executive orders were implemented by the Treasury Department's Office of Foreign Assets Control (OFAC) through the Rough Diamonds (Sierra Leone & Liberia) Sanctions Regulations, 31 CFR Part 591.

In a related development, representatives of the United States and 47 other countries, including Sierra Leone, announced in the Interlaken Declaration of November 5, 2002, the launch of the Kimberley Process Certification Scheme for rough diamonds (KPCS). Countries participating in the KPCS are expected to prohibit the importation of rough diamonds from, or the exportation of rough diamonds to, a non-participant and to require that shipments of rough diamonds from or to a participant be controlled through the KPCS.

On April 25, 2003, the President signed the Clean Diamond Trade Act (Pub. L. 108-19) (the Act). The Act authorizes the President to take steps to implement the KPCS in the United States. The President has issued an Executive Order, "Implementing the Clean Diamond Trade Act." In addition to implementing the Act and the KPCS, this order amends Executive Orders 13194 and 13213 to harmonize those orders with the Act and to reflect, among other things, Sierra Leone's participation in the KPCS and the ongoing United Nations ban on the importation of rough diamonds from Liberia.

**•PROHIBITED TRANSACTIONS** - The Executive Order prohibits, subject to certain waiver authorities set forth in section 4(b) of the Act, the importation into, and exportation from, the United States of any rough diamond, from whatever source, not controlled through the KPCS. (Pursuant to section 4(b) of the Act, the Secretary of State may waive these prohibitions with respect to a particular country for periods of not more than one year each.) The order also prohibits any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of the order and prohibits any conspiracy formed to violate any of the prohibitions of the order.

This means that beginning July 30, 2003, shipments of rough diamonds between the United States and countries that do not participate in the KPCS generally are prohibited, and shipments between the United States and participating countries, including Sierra Leone, are permitted only if they are handled in accordance with the standards, practices, and procedures of the KPCS, as summarized below. The importation of rough diamonds from Liberia continues to be totally prohibited).

**•KPCS REQUIREMENTS** – OFAC's Rough Diamonds Control Regulations, 31 CFR Part 592, implement the Executive Order and the KPCS. As explained in detail in those regulations, except to the extent modified by the Secretary of State, all shipments of rough diamonds into or from the United States must be (1) accompanied by a Kimberley Process Certificate presenting prescribed information (country of origin, unique number, date of issuance, date of expiry, name of issuing authority, identification of exporter and importer, carat weight/mass, value, number of parcels in shipment, Harmonized Commodity description and code, and validation by exporting authority), and (2) sealed in a tamper-resistant container. The Kimberley Process Certificate must also contain the statement: "The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds." The importer of record in the United States for an inbound shipment must confirm receipt of a shipment of rough diamonds to the relevant foreign exporting authority. The confirmation must refer to the relevant Kimberley Process Certificate by serial number, the number of parcels, the carat weight, and the details of the importer and exporter. Similarly, to obtain the required validation of the Kimberley Process Certificate, U.S. exporters for outbound shipments must file transaction-specific information with the Bureau of the Census and then place an assigned serial number on the Kimberley Process Certificate.

**•PENALTIES** - The Clean Diamond Trade Act provides for criminal penalties of \$50,000 per count for corporations and individuals and/or ten years imprisonment for individuals. Civil penalties of up to \$10,000 per violation may be imposed on any person who violates, or attempts to violate, any order or regulation issued under the Act. In addition, those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws apply with respect to rough diamonds

imported in violation of the Act.

Moreover, 18 U.S.C. 3571 provides that organizations or individuals convicted of violating a criminal statute may be fined the greater of the amount specified in the statute, or twice the pecuniary gain or loss from the violation, or \$500,000 for felonies and that individuals may be fined \$250,000 for felonies. Finally, 18 U.S.C. 1001 provides for five years imprisonment and a \$10,000 criminal fine for knowingly making false statements or falsifying or concealing material facts with respect to any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States.

### **This is the Executive Order with respect to Diamond Trading:**

#### **EXECUTIVE ORDER IMPLEMENTING THE CLEAN DIAMOND TRADE ACT**

"By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Clean Diamond Trade Act (Public Law 108-19) ('the Act'), the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of the national emergency described and declared in Executive Order 13194 of January 18, 2001, and expanded in scope in Executive Order 13213 of May 22, 2001,

I, GEORGE W. BUSH, President of the United States of America, note that, in response to the role played by the illicit trade in diamonds in fueling conflict and human rights violations in Sierra Leone, the President declared a national emergency in Executive Order 13194 and imposed restrictions on the importation of rough diamonds into the United States from Sierra Leone. I expanded the scope of that emergency in Executive Order 13213 and prohibited absolutely the importation of rough diamonds from Liberia. I further note that representatives of the United States and numerous other countries announced in the Interlaken Declaration of November 5, 2002, the launch of the Kimberley Process Certification Scheme ('KPCS') for rough diamonds, under which Participants prohibit the importation of rough diamonds from, or the exportation of rough diamonds to, a non-Participant and require that shipments of rough diamonds from or to a Participant be controlled through the KPCS. The Clean Diamond Trade Act authorizes the President to take steps to implement the KPCS. Therefore, in order to implement the Act, to harmonize Executive Orders 13194 and 13213 with the Act, to address further threats to international peace and security posed by the trade in conflict diamonds, and to avoid undermining the legitimate diamond trade, it is hereby ordered as follows:

**Section 1. Prohibitions.** Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to July 30, 2003, the following are, except to the extent a waiver issued under section 4(b) of the Act applies, prohibited:

(a) the importation into, or exportation from, the United States on or after July 30, 2003, of any rough diamond, from whatever source, unless the rough diamond has been controlled through the KPCS;

(b) any transaction by a United States person anywhere, or any transaction that occurs in whole or in part within the United States, that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this section; and

(c) any conspiracy formed to violate any of the prohibitions of this section.

**Sec. 2. Assignment of Functions.** (a) The functions of the President under the Act are assigned as follows:

(i) sections 4(b), 5(c), 6(b), 11, and 12 to the Secretary of State; and

(ii) sections 5(a) and 5(b) to the Secretary of the Treasury.

(b) The Secretary of State and the Secretary of the Treasury may reassign any of these functions to other officers, officials, departments, and agencies within the executive branch, consistent with applicable law.

(c) In performing the function of the President under section 11 of the Act, the Secretary of State shall establish the coordinating committee as part of the Department of State for administrative purposes only, and shall, consistent with applicable law, provide administrative support to the coordinating committee. In the performance of functions assigned by subsection 2(a) of this order or by the Act, the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security shall consult the coordinating committee, as appropriate.

**Sec. 3. Amendments to Related Executive Orders.** (a) Section 1 of Executive Order 13194 of January 18, 2001, is revised to read as follows: ‘**Section 1.** Except to the extent provided by section 2 of this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to the effective date of this order, the importation into, or exportation from, the United States of any rough diamond from Sierra Leone, on or after July 30, 2003, is prohibited.’

(b) Section 2 of Executive Order 13194 is revised to read as follows: ‘**Sec. 2.** The prohibitions in section 1 of this order shall not apply to the importation or exportation of any rough diamond that has been controlled through the Kimberley Process Certification Scheme.’

(c) Sections 4(c), (d), and (e) of Executive Order 13194 are deleted, and the word ‘and’ is added after the semicolon at the end of section 4(a).

(d) Section 1 of Executive Order 13213 of May 22, 2001, is revised to read as follows: ‘**Section 1.** Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia, on or after July 30, 2003, is prohibited.’

**Sec. 4. Definitions.** For the purposes of this order and Executive Order 13194, the definitions set forth in section 3 of the Act shall apply, and the term ‘Kimberley Process Certification Scheme’ shall not be construed to include any changes to the KPCS after April 25, 2003.

**Sec. 5. General Provisions.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

**Sec. 6. Effective Date and Transmittal.** (a) Sections 1 and 3 of this order are effective at 12:01 a.m. eastern daylight time on July 30, 2003. The remaining provisions of this order are effective immediately.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.”

## L—LIBERIA

### Executive Order with respect to Diamond Trading:

“By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Clean Diamond Trade Act (Public Law 108-19) (‘the Act’), the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of the national emergency described and declared in Executive Order 13194 of January 18, 2001, and expanded in scope in Executive Order 13213 of May 22, 2001,

I, GEORGE W. BUSH, President of the United States of America, note that, in response to the role played by the illicit trade in diamonds in fueling conflict and human rights violations in Sierra Leone, the President declared a national emergency in Executive Order 13194 and imposed restrictions on the importation of rough diamonds into the United States from Sierra Leone. I expanded the scope of that emergency in Executive Order 13213 and prohibited absolutely the importation of rough diamonds from Liberia. I further note that representatives of the United States and numerous other countries announced in the Interlaken Declaration of November 5, 2002, the launch of the Kimberley Process Certification Scheme (‘KPCS’) for rough diamonds, under which Participants prohibit the importation of rough diamonds from, or the exportation of rough diamonds to, a non-Participant and require that shipments of rough diamonds from or to a Participant be controlled through the KPCS. The Clean Diamond Trade Act authorizes the President to take steps to implement the KPCS. Therefore, in order to implement the Act, to harmonize Executive Orders 13194 and 13213 with the Act, to address further threats to international peace and security posed by the trade in conflict diamonds, and to avoid undermining the legitimate diamond trade, it is hereby ordered as follows:

**Section 1. Prohibitions.** Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to July 30, 2003, the following are, except to the extent a waiver issued under section 4(b) of the Act applies, prohibited:

(a) the importation into, or exportation from, the United States on or after July 30, 2003, of any rough diamond, from whatever source, unless the rough diamond has been controlled through the KPCS;

(b) any transaction by a United States person anywhere, or any transaction that occurs in whole or in part within the United States, that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this section; and

(c) any conspiracy formed to violate any of the prohibitions of this section.

**Sec. 2. Assignment of Functions.** (a) The functions of the President under the Act are assigned as follows:

(i) sections 4(b), 5(c), 6(b), 11, and 12 to the Secretary of State; and

(ii) sections 5(a) and 5(b) to the Secretary of the Treasury.

(b) The Secretary of State and the Secretary of the Treasury may reassign any of these functions to other officers, officials, departments, and agencies within the executive branch, consistent with applicable law.

(c) In performing the function of the President under section 11 of the Act, the Secretary of State shall establish the coordinating committee as part of the Department of State for administrative purposes only, and shall, consistent with applicable law, provide administrative support to the

coordinating committee. In the performance of functions assigned by subsection 2(a) of this order or by the Act, the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security shall consult the coordinating committee, as appropriate.

**Sec. 3. Amendments to Related Executive Orders.** (a) Section 1 of Executive Order 13194 of January 18, 2001, is revised to read as follows: ‘**Section 1.** Except to the extent provided by section 2 of this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to the effective date of this order, the importation into, or exportation from, the United States of any rough diamond from Sierra Leone, on or after July 30, 2003, is prohibited.’

(b) Section 2 of Executive Order 13194 is revised to read as follows: ‘**Sec. 2.** The prohibitions in section 1 of this order shall not apply to the importation or exportation of any rough diamond that has been controlled through the Kimberley Process Certification Scheme.’

(c) Sections 4(c), (d), and (e) of Executive Order 13194 are deleted, and the word ‘and’ is added after the semicolon at the end of section 4(a).

(d) Section 1 of Executive Order 13213 of May 22, 2001, is revised to read as follows: ‘**Section 1.** Notwithstanding the existence of any rights or obligations conferred or imposed by any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia, on or after July 30, 2003, is prohibited.’

**Sec. 4. Definitions.** For the purposes of this order and Executive Order 13194, the definitions set forth in section 3 of the Act shall apply, and the term ‘Kimberley Process Certification Scheme’ shall not be construed to include any changes to the KPCS after April 25, 2003.

**Sec. 5. General Provisions.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

**Sec. 6. Effective Date and Transmittal.** (a) Sections 1 and 3 of this order are effective at 12:01 a.m. eastern daylight time on July 30, 2003. The remaining provisions of this order are effective immediately.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.”

### **Prohibition on Importation of Rough Diamonds (Executive Order 13213):**

“By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of the national emergency described and declared in Executive Order 13194 of January 18, 2001, and United Nations Security Council Resolutions 1306 of July 5, 2000, and 1343 of March 7, 2001,

I, GEORGE W. BUSH, President of the United States of America, take note that in Executive Order 13194, the President responded to, among other things, the insurgent Revolutionary United Front’s (RUF) illicit trade in diamonds to fund its operations in the civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all

rough diamonds from Sierra Leone except for those importations controlled through the Certificate of Origin regime of the Government of Sierra Leone. United Nations Security Council Resolution 1343 takes note that the bulk of RUF diamonds leaves Sierra Leone through Liberia and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels; determines that the active support provided by the Government of Liberia for the RUF and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region; and decides that all states shall take the necessary measures to prevent the importation of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. The Government of Liberia’s complicity in the RUF’s illicit trade in diamonds and its other forms of support for the RUF are direct challenges to United States foreign policy objectives in the region as well as to the rule-based international order that is crucial to the peace and prosperity of the United States. Therefore, I find these actions by the Government of Liberia contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat and to ensure further that the direct or indirect importation into the United States of rough diamonds from Sierra Leone will not contribute financial support to further aggressive actions by the RUF or to the RUF’s procurement of weapons; to implement United Nations Security Council Resolution 1343; and to counteract, among other things, the Government of Liberia’s facilitation of and participation in the RUF’s illicit trade in diamonds through Liberia, I hereby order the following additional measures be taken with respect to prohibiting the importation of rough diamonds from Sierra Leone:

Section 1. Except to the extent provided in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia, on or after the effective date of this order is prohibited.

Sec. 2. Any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. The definitions contained in section 4 of Executive Order 13194 apply to the terms used in this order.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including modification, suspension, or termination of licenses or authorizations in effect as of the date of this order.

Sec. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 6.(a) This order is effective at 12:01 a.m. Eastern Daylight Time on May 23, 2001.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.”

## M—THE BALKANS

Executive Order 13219 blocking property of persons who threaten international stabilization efforts in the Western Balkans:

Executive Order 13219 was issued effective 12:01 a.m. eastern daylight time on June 27, 2001:

"By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, in southern Serbia, the Federal Republic of Yugoslavia, and elsewhere in the Western Balkans region, or (ii) acts obstructing the implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999 in Kosovo, threaten the peace in or diminish the security and stability of those areas and the wider region, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and government officials. I find that such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

**Section 1.** (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U. S. C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Pub. L. No. 106\_387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, all property and interests in property of:

(i) the persons listed in the Annex to this order; and

(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or

(B) to have actively obstructed, or to pose a significant risk of actively obstructing, implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 in Kosovo, or

(C) materially to assist in, sponsor, or provide financial or technological support for, or goods or services in support of, such acts of violence or obstructionism, or

(D) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the foregoing persons,

that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons designated in or pursuant to paragraph (a) of this section would seriously impair my ability to deal with the national emergency declared in this order. Accordingly, the blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making by a United States person of any such donation to any such designated person, except as otherwise authorized by the Secretary of the Treasury.

(c) The blocking of property and property interests in or pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making or receiving by a United States person of any contribution or provision of funds, goods, or services to or for the benefit of a person designated in or pursuant to paragraph (a) of this section.

**Sec. 2.** Any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate the prohibitions of this order is prohibited.

**Sec. 3.** For the purposes of this order:

(a) The term "person" means an individual or entity;

(b) The term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) The term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

**Sec. 4.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

**Sec. 5.** This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

**Sec. 6.** (a) This order is effective at 12:01 a.m. eastern daylight time on June 27, 2001;

(b) This order shall be transmitted to the Congress and published in the *Federal Register*."

Executive Order 13304 titled "Termination of Emergencies With Respect to Yugoslavia and Modification of Executive Order 13219" was issued effective 12:01 a.m. eastern daylight time on May 29, 2003:

"By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the situations that gave rise to the declarations of national emergencies in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia, have been significantly altered by the peaceful transition to democracy and other positive developments in Serbia and Montenegro (formerly the Federal Republic of Yugoslavia (Serbia and Montenegro)). Accordingly, I hereby terminate the national emergencies declared in those orders and revoke those and all related orders (Executive Orders 12810 of June 5, 1992, 12831 of January 15, 1993, 12846 of April 25, 1993, 12934 of October 25, 1994, 13121 of April 30, 1999, and 13192 of January 17, 2001). At the same time, and in order to take additional steps with respect to continuing, widespread, and illicit actions that obstruct implementation of the Ohrid Framework Agreement of 2001, relating to Macedonia, United Nations Security Council Resolution 1244 of June 10, 1999, relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference Council held in London on December 8-9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, including the harboring of individuals indicted by the International Criminal Tribunal for the former Yugoslavia, and the national emergency described and declared in Executive Order 13219 of June 26, 2001, I hereby order:

**Section 1.** Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date. Pursuant to section 207 of IEEPA (50 U.S.C. 1706), I hereby determine that the continuation of prohibitions with regard to transactions involving any property blocked pursuant to Executive Orders 12808 or 13088 that continues to be blocked as of the effective date of this order is necessary on account of claims involving successor states to the former Socialist Federal Republic of Yugoslavia or other potential claimants.

**Sec. 2.** The Annex to Executive Order 13219 of June 26, 2001, is replaced and superseded in its entirety by the Annex to this order.

**Sec. 3.** (a) Section 1(a) and 1(b) of Executive Order 13219 are revised to read as follows: **section 1.** (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106-387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of:

(i) the persons listed in the Annex to this order; and

(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are determined:

(A) to be under open indictment by the International Criminal Tribunal for the former Yugoslavia, unless circumstances warrant otherwise, or

(B) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or dimin-

ishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or

(C) to have actively obstructed, or pose a significant risk of actively obstructing, the Ohrid Framework Agreement of 2001 relating to Macedonia, United Nations Security Council Resolution 1244 relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference held in London on December 8-9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, or

(D) to have materially assisted in, sponsored, or provided financial, material, or technological support for, or goods or services in support of, such acts of violence or obstructionism or any person listed in or designated pursuant to this order, or

(E) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any person listed in or designated pursuant to this order,

that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair the ability to deal with the national emergency declared in this order, and hereby prohibit such donations as provided in paragraph (a) of this section.'

**Sec. 4.** New sections 7 and 8 are added to Executive Order 13219 to read as follows:

**'Sec. 7.** For those persons listed in the Annex to this order or determined to be subject to the sanctions imposed under this order who might have a constitutional presence in the United States, I have determined that, because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

**Sec. 8.** The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the sanctions set forth herein. Such a determination shall become effective upon publication in the Federal Register.'

**Sec. 5.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

**Sec. 6.** Nothing contained in this order shall create any right or benefit or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**Sec. 7.** This order is effective at 12:01 a.m. eastern daylight time on May 29, 2003. This order shall be transmitted to Congress and published in the Federal Register."

**The names on the Annex to the Executive Order have been incorporated into OFAC's list of Specially Designated Nationals and Blocked Persons with the program designation "[BALKANS]."**

## N—ZIMBABWE

Executive Order blocking property of persons undermining democratic processes or institutions in Zimbabwe.

Executive Order issued effective 12:01 eastern standard time on March 7, 2003:

"By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region, constitute an unusual and extraordinary threat to the foreign policy of the United States, and I hereby declare a national emergency to deal with that threat.

I hereby order:

**Section 1.** Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex to this order; and

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the persons listed in the Annex to this order.

**Sec. 2.** (a) Any transaction or dealing by a United States person or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of any person

listed in the Annex to this order or who is the subject of a determination under subsection 1(b) of this order.

(b) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(c) Any conspiracy formed to violate the prohibitions set forth in this order is prohibited.

**Sec. 3.** For the purposes of this order:

(a) The term "person" means an individual or entity;

(b) The term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) The term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

**Sec. 4.** The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

**Sec. 5.** This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or any other person.

**Sec. 6.** (a) This order is effective at 12:01 eastern standard time on March 7, 2003; and

(b) This order shall be transmitted to the Congress and published in the *Federal Register*."

## ANNEX (in OFAC SDN list format):

MUGABE, Robert Gabriel, President of Zimbabwe; DOB 21 Feb 1924 (individual) [ZIMB]

BUKA, Flora, Minister of State for Land Reform of Zimbabwe; DOB 25 Feb 1968 (individual) [ZIMB]

CHARAMBA, George, Permanent Secretary, Zimbabwean Ministry of Information; DOB 4 Apr 1963 (individual) [ZIMB]

CHARUMBIRA, Fortune, Deputy Minister for Local Government, Public Works, and National Housing of Zimbabwe; DOB 10 Jun 1962 (individual) [ZIMB]

CHIGWEDERE, Aeneas, Minister of Education, Sports and Culture of Zimbabwe; DOB 25 Nov 1939 (individual) [ZIMB]

CHIHURI, Augustine, Zimbabwean Police Commissioner; DOB 10 Mar 1953 (individual) [ZIMB]

CHIKOWORE, Enos, Politburo Secretary for Land and Resettlement of Zimbabwe; DOB 17 July 1942 (individual) [ZIMB]

CHINAMASA, Patrick, Minister of Justice of Zimbabwe; DOB 25 Jan 1947 (individual) [ZIMB]

CHINDORI-CHININGA, Edward, Minister of Mines of Zimbabwe; DOB 14 Mar 1955 (individual) [ZIMB]

CHIWENGA, Constantine, Lt. General, Commander of the Zimbabwean Army; DOB 25 Aug 1956 (individual) [ZIMB]

CHIWWEWE, Willard, Senior Secretary, Ministry of Foreign Affairs of Zimbabwe; DOB 19 Mar 1949 (individual) [ZIMB]

CHOMBO, Ignatius, Minister of Local Government of Zimbabwe; DOB 1 Aug 1952 (individual) [ZIMB]

DABENGWA, Dumiso, Politburo Senior Committee Member of Zimbabwe; DOB 6 Dec 1939 (individual) [ZIMB]

GOCHE, Nicholas, Minister of State for National Security of Zimbabwe; DOB 1 Aug 1946 (individual) [ZIMB]

GUMBO, Rugare, Deputy Minister for Home Affairs of Zimbabwe; DOB 8 Mar 1940 (individual) [ZIMB]

HOVE, Richard, Politburo Secretary for Economic Affairs of Zimbabwe; DOB 23 Sep 1939 (individual) [ZIMB]

KARIMANZIRA, David, Politburo Secretary for Finance of Zimbabwe; DOB 25 May 1947 (individual) [ZIMB]

KASUKUWERE, Saviour, Deputy Secretary for Youth Affairs of Zimbabwe; DOB 23 Oct 1970 (individual) [ZIMB]

KURUNERI, Christopher, Deputy Minister, Finance and Economic Development of Zimbabwe; DOB 4 Apr 1949 (individual) [ZIMB]

LESABE, Thenjiwe, Politburo Secretary for Women's Affairs of Zimbabwe; DOB 5 Jan 1933 (individual) [ZIMB]

MACHAYA, Jaison, Deputy Minister for Mines and Mining Development of Zimbabwe; DOB 13 Jun 1952 (individual) [ZIMB]

MADE, Joseph, Minister of Agriculture of Zimbabwe; DOB 21 Nov 1954 (individual) [ZIMB]

MADZONGWE, Edna, Deputy-Secretary for Production and Labor of Zimbabwe; DOB 11 Jul 1943 (individual) [ZIMB]

MAHOFA, Shuvai, Deputy Minister for Youth Development, Gender and Employment Creation of Zimbabwe; DOB 4 Apr 1941 (individual) [ZIMB]

MALINGA, Joshua, Deputy Secretary for Disabled and Disadvantaged of Zimbabwe; DOB 28 Apr 1944 (individual) [ZIMB]

MANGWANA, Paul, Minister of State for State Enterprises and Parastatals of Zimbabwe; DOB 10 Aug 1961 (individual) [ZIMB]

MANGWENDE, Witness, Minister of Transport and Communications of Zimbabwe; DOB 15 Aug 1946 (individual) [ZIMB]

MANYIKA, Elliot, Minister of Youth Development of Zimbabwe; DOB 30 Jul 1955 (individual) [ZIMB]

MANYONDA, Kenneth, Deputy Minister for Industry and International Trade of Zimbabwe; DOB 10 Aug 1934 (individual) [ZIMB]

MARUMAHOKO, Reuben, Deputy Minister for Energy and Power Development of Zimbabwe; DOB 4 Apr 1948 (individual) [ZIMB]

MASUKU, Angeline, Politburo Secretary for Disabled and Disadvantaged Persons Welfare of Zimbabwe; DOB 14 Oct 1936 (individual) [ZIMB]

MATHUTHU, Sithokozile, Deputy-Secretary for Transport and Social Welfare of Zimbabwe (individual) [ZIMB]

MIDZI, Amos Bernard Muvenga, Minister for Energy and Development of Zimbabwe; DOB 4 July 1952 (individual) [ZIMB]

MNANGAGWA, Emmerson, Parliamentary Speaker of Zimbabwe; DOB 15 Sep 1946 (individual) [ZIMB]

MOHADI, Kembo, Minister of Home Affairs of Zimbabwe; DOB 15 Nov 1949 (individual) [ZIMB]

MOMBESHORA, Swithun, Minister of Higher Education of Zimbabwe; DOB 20 Aug 1945 (individual) [ZIMB]

MOYO, Jonathan, Minister of Information of Zimbabwe; DOB 12 Jan 1957 (individual) [ZIMB]

MOYO, July, Minister of Public Service, Labor and Social Welfare of Zimbabwe; DOB 7 May 1950 (individual) [ZIMB]

MOYO, Simon Khaya, Deputy-Secretary for Legal Affairs of Zimbabwe; DOB 1945 (individual) [ZIMB]

MPOFU, Obert, Deputy-Secretary for National Security of Zimbabwe; DOB 12 Oct 1951 (individual) [ZIMB]

MSIKA, Joseph, Vice President of Zimbabwe; DOB 6 Dec 1923 (individual) [ZIMB]

MUCHENA, Olivia, Minister of State for Science and Technology Development of Zimbabwe; DOB 18 Aug 1946 (individual) [ZIMB]

MUCHINGURI, Opah, Politburo Secretary for Gender and Culture of Zimbabwe; DOB 14 Dec 1958 (individual) [ZIMB]

MUDENGE, Stan, Minister of Foreign Affairs of Zimbabwe; DOB 17 Dec 1948 (individual) [ZIMB]

MUGABE, Grace, President of Zimbabwe's "First Lady;" DOB 23 Jul 1965 (individual) [ZIMB]

MUGABE, Sabina, Politburo Senior Committee Member of Zimbabwe; DOB 14 Oct 1934 (individual) [ZIMB]

MUJURU, Joyce, Minister of Rural Resources and Water of Zimbabwe; DOB 15 Apr 1955 (individual) [ZIMB]

MUJURU, Solomon, Politburo Senior Committee Member of Zimbabwe; DOB 1 May 1949 (individual) [ZIMB]

MUMBENGEGWI, Samuel, Minister of Industry and International Trade of Zimbabwe; DOB 20 July 1945 (individual) [ZIMB]

MURERWA, Herbert, Minister of Finance of Zimbabwe; DOB 31 July 1941 (individual) [ZIMB]

MUSHOHWE, Christopher, Deputy Minister, Transport and Communications of Zimbabwe; DOB 6 Feb 1954 (individual) [ZIMB]

MUTASA, Didymus, Politburo Secretary for External Relations of Zimbabwe; DOB 27 July 1935 (individual) [ZIMB]

MUTIWEKUZIWA, Kenneth, Deputy Minister for Small and Medium Enterprise Development of Zimbabwe; DOB 27 May 1948 (individual) [ZIMB]

MUZENDA, Simon Vengesai, Vice President of Zimbabwe; DOB 28 Oct 1922 (individual) [ZIMB]

MUZENDA, Tsitsi, Politburo Senior Committee Member of Zimbabwe; DOB 28 Aug 1922 (individual) [ZIMB]

MUZONZINI, Elisha, Director of the Central Intelligence Organization of Zimbabwe; DOB 24 Jun 1957 (individual) [ZIMB]

NCUBE, Abedinico, Deputy Minister, Foreign Affairs of Zimbabwe; DOB 13 Mar 1954 (individual) [ZIMB]

NDLOVU, Naison, Politburo Secretary for Production and Labor of Zimbabwe; DOB 22 Oct 1930 (individual) [ZIMB]

NDLOVU, Sikhanyiso, Deputy-Secretary for Commissariat of Zimbabwe; DOB 20 Sept 1949 (individual) [ZIMB]

NHEMA, Francis, Minister of Environment and Tourism of Zimbabwe; DOB 17 Apr 1959 (individual) [ZIMB]

NKOMO, John, Minister of State for Special Affairs of Zimbabwe; DOB 22 Aug 1934 (individual) [ZIMB]

NKOMO, Stephen, Politburo Senior Committee Member of Zimbabwe; DOB 3 Oct 1926 (individual) [ZIMB]

NYONI, Sithembiso, Minister of Small and Medium Enterprises Development of Zimbabwe; DOB 20 Sept 1949 (individual) [ZIMB]

PARIRENYATWA, David, Minister of Health and Child Welfare of Zimbabwe; DOB 2 Aug 1950 (individual) [ZIMB]

POTE, Selina, Deputy-Secretary for Gender and Culture of Zimbabwe (individual) [ZIMB]

RUSERE, Tinos, Deputy Minister for Rural Resources and Water Development of Zimbabwe; DOB 10 May 1945 (individual) [ZIMB]

SAKUPWANYA, Stanley, Deputy-Secretary for Health and Child Welfare of Zimbabwe (individual) [ZIMB]

SEKERAMAYI, Sidney, Minister of Defense of Zimbabwe; DOB 30 Mar 1944 (individual) [ZIMB]

SHAMUYARIRA, Nathan, Politburo Secretary for Information and Publicity of Zimbabwe; DOB 29 Sept 1928 (individual) [ZIMB]

SHIRI, Perence, Zimbabwean Air Marshal (Air Force); DOB 11 Jan 1955 (individual) [ZIMB]

SHUMBA, Isaiah, Deputy Minister, Education, Sports and Culture of Zimbabwe; DOB 3 Jan 1949 (individual) [ZIMB]

SIKOSANA, Absalom, Politburo Secretary for Youth Affairs of Zimbabwe (individual) [ZIMB]

TAWENGWA, Solomon, Deputy-Secretary for Finance of Zimbabwe; DOB 15 Jun 1940 (individual) [ZIMB]

TUNGAMIRAI, Josiah, Politburo Secretary for Empowerment and Indigenization of Zimbabwe; DOB 8 Oct 1948 (individual) [ZIMB]

UTETE, Charles, Cabinet Secretary of Zimbabwe; DOB 30 Oct 1938 (individual) [ZIMB]

ZIMONDI, Paradzai, Zimbabwean Prisons chief; DOB 4 Mar 1947 (individual) [ZIMB]

ZVINAVASHE, Vitalis, General, Commander of Zimbabwe Defense Forces; DOB 27 Sep



The Executive Order also states [Descriptor information] “with respect to each person listed in this Annex reflects information currently available and is provided solely to facilitate compliance with this order. Each individual listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation.”

## VII. Reporting and Procedures

### **Reporting and Procedures Regulations (31 C.F.R. Part 501)**

OFAC now has a uniform requirement across all of its sanctions programs that records be maintained for five years.

Reports have also been standardized:

**Reports on Blockings and Reject Items** - Blocking reports must be filed within 10 days of blocking. They preferably should be teletransmitted to OFAC’s Compliance Programs Division at 202/622-2426 and must identify: the owner or account party, the property, the property’s location, any existing or new account number or similar reference necessary to identify the property, actual or estimated value, the date it was blocked, a photocopy of the payment or transfer instructions (if the blocking labeled has been deposited into a new or existing blocked account which is clearly identifying the interest of, the individual or entity subject to blocking, the name and address of the holder, and the name and telephone number of a contact person from whom compliance information can be obtained. Reports on reject items also must be filed within 10 days and include: the name and address of the transferee financial institution, the date and amount of the transfer, a photocopy of the payment or transfer instructions received, the basis for rejection, and the name and telephone number of a contact person at the transferee financial institution from whom compliance information can be obtained.

**Annual reports on Blocked Property** - OFAC requires the filing of a comprehensive annual report on blocked property held as of June 30 by

September 30 each year. The report is to be filed using Form TDF 90-22.50 which is available from OFAC’s fax-on-demand service or electronically by clicking on the GPO ACCESS button on OFAC’s Home Page or going directly to The Federal Bulletin Board and accessing OFAC’s extended electronic information reading room, the FAC\_MISC file library. Requests to submit the information in an alternative format or for an extension of the reporting deadline are invited and will be considered on a case-by-case basis by OFAC.

### **Reports on litigation, arbitration and dispute resolution proceedings**

- U.S. persons involved in litigation, arbitration, or other binding alternative dispute resolution proceedings regarding blocked property must: provide notice of such proceedings to OFAC Chief Counsel, submit copies of all documents associated with such proceedings within 10 days of their filing to OFAC Chief Counsel at U.S. Treasury Department, 1500 Pennsylvania Ave., NW - 3123 Annex, Washington, DC 20220, and fax information about the scheduling of any hearing or status conference to OFAC Chief Counsel at 202/622-1911.

**Licensing requests** - License applications are not accepted by fax or electronically, unless specifically authorized. Most applications may be submitted in letter format, with the exception of license applications for the unblocking of funds transfers. Applications for the unblocking of funds transfers must be submitted using TD-F 90-22.54, “Application for the Release of Blocked Funds,” accompanied by two complete copies of the entire submission. The form, which requires information regarding the date of the blocking, the financial institutions involved in the transfer, and the beneficiary and amount of the transfer, may be obtained from the OFAC Internet Home Page: <<http://www.treas.gov/ofac>> and the OFAC fax-on-demand service: 202/622-0077. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing the transaction. For individuals, if U.S., inclusion of a social security number is recommended but not required. For corporations or other entities, the application should include a principal place of business, the state of incorporation or organization, and, if U.S., a taxpayer identification number. Applications should be sent to the Licensing Division, Office of Foreign Assets Control, 1500 Pennsylvania Avenue, N.W., Annex 2, Washington, D.C. 20220.



# CUBAN REMITTANCE AFFIDAVIT

Original form approved  
Revision pending approval  
OMB #1505-0167  
expires 05-31-05

This affidavit is to be completed by the remitter, pursuant to the Cuban Assets Control Regulations, 31CFR Part 515, under the Trading with the Enemy Act, 50 U.S.C. App. 1-44, and the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. 6001-6010. It is to be submitted to the remittance service provider and kept on file for five years, subject to audit by the U.S. Department of the Treasury.

Esta declaración jurada tiene que ser llenada por el remitente, en conformidad con el "Control y Regulaciones de Bienes Cubanos," 31 CFR Parte 515, bajo la "Ley Sobre Comercio con el Enemigo," 50 U.S.C. App. 1-44, y bajo la "Ley Relativa a Cuba Sobre la Libertad y la Solidaridad Democrática," 22 U.S.C. 6001-6010. Dicha declaración jurada debe ser presentada a la agencia remitente y mantenerse en los archivos por cinco años y esta sujeta a auditoría por el Departamento del Tesoro de los EE.UU.

I, \_\_\_\_\_, DECLARE AND STATE THAT  
(Print name)  
THE FOLLOWING IS TRUE AND ACCURATE TO THE BEST OF MY  
KNOWLEDGE:

YO, \_\_\_\_\_, DECLARO, Y AFIRMO QUE,  
(Su nombre en letra de molde)  
A MI CONOCIMIENTO, LO SIGUIENTE ES VERIDICO Y  
CORRECTO:

## EMIGRATION REMITTANCE

1. I understand that I may send up to \$1000 per payee to enable the payee to emigrate to the United States. Only one of these remittances may be sent before the payee has received a valid visa from the U.S. State Department. I certify that my total emigration remittance to this payee will not be greater than \$1000.

Name of Payee: \_\_\_\_\_

Payee's Date of Birth: \_\_\_\_\_

2. I am sending more than \$500, **OR** I have already sent a pre-visa emigration remittance to this payee. I certify that the payee has received an immigration visa from the U.S. State Department as follows:

Number of Payee's Visa: \_\_\_\_\_

Date of Payee's Visa: \_\_\_\_\_

## INDIVIDUAL TO HOUSEHOLD REMITTANCE

I understand that I may send up to \$300 per payee's household in a 3-month period provided that no member of that household is a senior-level Cuban government or Communist party official. The total combined amount of Individual to Household Remittances I send may not exceed \$300 per payee's household in a 3-month period. I certify that I am 18 or older, that no member of the payee's household is a senior-level Cuban government or Communist party official, and that this payment will not exceed the combined Individual to Household Remittances Remittance limit of \$300 per payee's household in a 3-month period.

Name of Payee: \_\_\_\_\_

Payee's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## REMESA DE EMIGRACION

1. Entiendo que yo puedo enviar hasta US\$1000 por beneficiario para ayudarlo a emigrar a los EE.UU. Solo una de estas remesas puede ser enviada antes de que el beneficiario haya recibido una visa válida del Departamento del Estado de los EE.UU. Yo afirmo que el total de las remesas de emigración a este beneficiario no será mayor de US\$1000.

Nombre del beneficiario: \_\_\_\_\_

Fecha de Nacimiento del beneficiario: \_\_\_\_\_

2. Estoy enviando mas de US\$500, **o** ya he enviado una remesa de emigración pre-visa a este beneficiario. Yo afirmo que el beneficiario ha recibido del Departamento del Estado de los Estados Unidos la visa de inmigración suiguiente:

Número de Visa del beneficiario: \_\_\_\_\_

Fecha de Visa del beneficiario: \_\_\_\_\_

## REMESA DE INDIVIDUO A CASA

Entiendo que puedo enviar hasta US\$300 por hogar beneficiario en un período de tres meses siempre y cuando ningún miembro del hogar del beneficiario sea oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista. La cantidad total de Remesas Individuo a Casa que envío no debe exceder US\$300 por hogar beneficiario en un período de tres meses. Yo afirmo que soy mayor de 18 años y que ningún miembro del hogar del beneficiario es oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista y que este pago no excederá la cantidad total de Remesas de Individuo a Casa de US\$300 por hogar beneficiario en un período de tres meses.

Nombre del Beneficiario: \_\_\_\_\_

Dirección del Beneficiario: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## SIGNATURE OF REMITTER (FIRMA DEL REMITANTE):

Street Address (Dirección): \_\_\_\_\_

City, State and Zip Code (Ciudad, Estado, Zona Postal): \_\_\_\_\_

Telephone Number (Número de Teléfono): \_\_\_\_\_

Mother's Maiden Name (Apellido de soltera de su madre): \_\_\_\_\_

Date of birth of remitter (fecha de nacimiento del remitente): \_\_\_\_\_

## Witnessed by employee of remitting agency (Firma de Testigo del Empleado de la Agencia Remitente):

Signature (Firma) \_\_\_\_\_

Name of Remitting Agency (Nombre de la Agencia Remitente) \_\_\_\_\_

Date (Fecha) \_\_\_\_\_

TD F 90-22.52

# ANNUAL REPORT OF BLOCKED PROPERTY

TD F 90-22.50

Office of Foreign Assets Control  
Department of the Treasury  
Washington, D.C. 20220

The Office of Foreign Assets Control (OFAC) requires an annual report of all property blocked or funds retained under OFAC Regulations found in Title 31 of the Code of Federal Regulations, Parts 500 through 599. This information is needed by the United States Government for planning purposes and to verify compliance with OFAC Regulations. The report is to be submitted annually by September 30 to the Compliance Programs Division, OFAC, Department of the Treasury, Washington, D.C. 20220.

## General Instructions

Any person holding property blocked or funds retained under OFAC Regulations is required to submit a report on this form concerning such property. Reports filed in accordance with OFAC Regulations are regarded as containing commercial and financial information which is privileged and confidential. Requests to submit reports in alternative formats will be considered on a case-by-case basis. For additional copies of the form, as well as other information of interest to holders of blocked property, call OFAC's fax-on-demand service at (202) 622-0077.

## Part A - U.S. Person Holding Property.

State reporter's corporate name and address and the name and telephone number of an individual corporate official to contact regarding this report.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Individual to contact regarding this report:

\_\_\_\_\_  
(name) (title) (telephone number)

Total number of accounts or items reported on Part B: \_\_\_\_\_

Complete the certification where applicable. The report is not valid without the certification.

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_  
(name) (title)

of the \_\_\_\_\_, that I am authorized to make this  
(corporate name)

certification, and that, to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.

\_\_\_\_\_  
(signature) (date)

PAPERWORK REDUCTION ACT STATEMENT: The paperwork requirement has been cleared under the Paperwork Reduction Act of 1980. The Office of Foreign Assets Control of the Department of the Treasury requires this information be furnished pursuant to 50 U.S.C. 1701, and CFR Parts 500 to 600. The information collected will be used for U.S. Government planning purposes and to verify compliance with OFAC Regulations. The information will be held confidential. The estimated burden associated with this collection of information is 4 hours per respondent or record keeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Compliance Programs Division, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 and the Office of Management and Budget, Paperwork Reduction Project (1505-0164), Washington, D.C. 20503. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

## Part B - Property Reported

Identify each account or item of property separately in the spaces provided below. Use additional photocopies of Part B as needed. Use supplemental attachments if the space provided is inadequate. Be sure to indicate the number of accounts or items reported on Part B in the appropriate space on Part A.

Owner.	Identify the owner of the property.
Description.	Provide a brief but comprehensive description of the property. <div> <div> </div> <div> </div> </div>
Value.	Provide the value (or an estimate) of the property as of June 30. <div> <div> </div> <div> </div> </div>
Location.	List the location or branch where the property is held, if different than the address shown in Part A.
Regulations.	Identify the Part of Title 31 of the Code of Federal Regulations under which this property is blocked.

[illegible]



## OFFICE OF FOREIGN ASSETS CONTROL LICENSING DIVISION

### LICENSE APPLICATION GUIDELINES FOR EXPORTS TO IRAN, LIBYA AND SUDAN OF AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL DEVICES

#### Ag/Med Program

The following information is intended to serve as guidance to persons applying for licenses authorizing Ag/Med exports to Iran, Libya, and Sudan pursuant to, respectively, the Iranian Transactions Regulations, 31 C.F.R. Part 560, the Libyan Sanctions Regulations, 31 C.F.R. Part 550, and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538. Applicants are encouraged to consult the regulations for a complete statement of the rules applicable to Ag/Med exports.

Applications not containing all of the required information will be considered incomplete and returned without action and without prejudice. A new application will be accepted upon resubmission of a **complete** application.

To apply for a license to export agricultural commodities, medicine, or medical devices to Iran, Libya, or Sudan under the Ag/Med Program, applicants must submit a license request, in writing, to the Office of Foreign Assets Control (OFAC). The following items must be included in clear and legible form:

- Identification of the country and program for which the applicant is requesting a license on the top of the first page of the application and on the front of the envelope . (Example: **Iran – Ag/Med Program**). If the applicant wishes to submit applications for two or more countries, **a separate application** must be submitted for each country;
- Applicant's full legal name (If the applicant is a business entity, the state or jurisdiction of incorporation and principal place of business);
- Applicant's mailing and street address;
- Name of the individual(s) responsible for the application and related commercial transactions, including the individual's/individuals' telephone number, fax number, and if available, email address so that we may reach a responsible point of contact should there be any questions about the application;
- Applicant's signature;
- Names and addresses of all parties involved in the transactions and their roles, including financial institutions, and any Iranian, Libyan, or Sudanese broker, purchasing agent, end-user, or other participant in the purchase of the agricultural commodities, medicine, or medical devices;

- A description of all products to be exported, including a statement that the product(s) is/are classified as EAR99, and documentation and information sufficient to verify that the product(s) to be exported are classified as EAR99 and are eligible for exportation under the Ag/Med program. This would typically include the name of the product(s), a short description of the product(s) in layperson's terms (for medical devices, also include technical specifications), the intended use of the agricultural commodities, medicine, or medical devices, and a statement explaining how the product(s) to be exported qualifies/qualify as an agricultural commodity, medicine, or medical device as those terms are defined in the regulations.
- Exporters must have a commodity classification of EAR99 for all products that are eligible in this Ag/Med program. Exporters of all fertilizers, live horses, and western red cedar must submit to OFAC a copy of an Official BXA Commodity Classification of EAR99 as part of the license application (because certain of these items are controlled on the Commerce Control List and thus are not eligible for this program). Exporters of medical devices also must provide OFAC with an Official BXA Commodity Classification of EAR99, unless the proposed export is for a medical supply and that medical supply is specifically listed as eligible for export under the Ag/Med program on BXA's website at <http://www.bxa.doc.gov/Regulations/TradeSanctionsReformExportEnhancementAct.html> BXA will also provide a list of medicines on its website that are **not** eligible for export under the Ag/Med program. Exporters of agricultural commodities may wish to consult the following USDA website: [www.fas.usda.gov](http://www.fas.usda.gov) for a list of agricultural commodities that qualify for export under the Ag/Med program.
- **Please note:** Payment by cash in advance, open account financing, or third-country bank letter of credit is authorized by general license. A special request will have to be made to use a letter of credit issued by an Iranian, Libyan, or Sudanese bank. Upon such a request, payment by letter of credit issued by an Iranian, Libyan, or Sudanese bank may be authorized by specific license on a case-by-case basis, provided that such letter of credit may not be advised, confirmed or otherwise dealt in by any financial institution that is a United States person (see, 31 C.F.R. §§ 560.314, 560.532; 31 C.F.R. §§ 550.308, 550.571; 31 C.F.R. §§ 538.315, 538.525).

The application should be mailed to the address below.

**Attn: Licensing Division  
Office of Foreign Assets Control  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220**

In order to expedite the process, applicants may also send a complete copy of their application in Adobe Acrobat PDF format to the following email address:

[agmed@do.treas.gov](mailto:agmed@do.treas.gov)

Applicants who choose to send a copy of their application via Internet **must** also send a hard copy of their application in order for OFAC to process their application. Applicants should note that the official date of receipt for their application will be the date the hard copy of the application is received by OFAC via mail.

The hard copy of all licenses will be mailed to applicants. Upon request, applicants may receive via email a copy of their license in Adobe Acrobat PDF format.

## U.S. DEPARTMENT OF THE TREASURY

## OFFICE OF FOREIGN ASSETS CONTROL

## APPLICATION FOR THE RELEASE OF BLOCKED FUNDS

(WHEN APPROVED, THIS DOCUMENT BECOMES A  
SPECIFIC LICENSE AUTHORIZING THE UNBLOCKING  
OF THE SUBJECT FUNDS AND THEIR RELEASE  
ACCORDING TO THE TERMS HEREOF)

## TYPE OF REQUEST [CHECK APPROPRIATE BOX]

LICENSE APPLICATION

REQUEST FOR RECONSIDERATION [PROVIDE

FAC NO. OF PREVIOUS AGENCY ACTION (IF KNOWN)]: \_\_\_\_\_

DO NOT WRITE IN THIS BOX – LICENSE APPROVAL ONLY VALID WITH OFAC SEAL

THIS APPLICATION IS HEREBY:

FAC/LICENSE NO. \_\_\_\_\_

- G APPROVED, AND FUNDS MAY BE UNBLOCKED AND RELEASED, WITH VALUE:  
 G TO ORIGINATOR OR ORIGINATING BANK  
 G IN ACCORDANCE WITH ORIGINAL PAYMENT INSTRUCTIONS
- G DENIED (SEE ATTACHED EXPLANATION)
- G RETURNED WITHOUT ACTION (SEE ATTACHED CHECKLIST)

## APPLICANT INFORMATION

APPLICANT		ADDRESS LINE 1		ADDRESS LINE 2	
CITY	STATE	CONTACT PERSON		TELEPHONE	FAX NUMBER
POSTAL CODE	COUNTRY	SOCIAL SECURITY/TAXPAYER I.D. NO. (Required for US Persons)		E-MAIL ADDRESS	

## CORPORATIONS AND OTHER ENTITIES

PRINCIPAL PLACE OF BUSINESS	STATE OF INCORPORATION OR ORGANIZATION	EMPLOYER IDENTIFICATION NUMBER
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## THE FOLLOWING INFORMATION, IF KNOWN, SHOULD BE PROVIDED CONCERNING THE BLOCKED FUNDS (USE PAGE 2 AS NEEDED)

NAME & ADDRESS OF FINANCIAL INSTITUTION WHICH BLOCKED FUNDS	AMOUNT BLOCKED	DATE OF THE BLOCKING
REMITTER NAME & ADDRESS	REMITTING FINANCIAL INSTITUTION NAME & ADDRESS	
INTERMEDIARY FINANCIAL INSTITUTION(S) NAME & ADDRESS	BENEFICIARY FINANCIAL INSTITUTION NAME & ADDRESS	
BENEFICIARY NAME & ADDRESS	DESCRIPTION OF UNDERLYING TRANSACTION (ATTACH SEPARATE SHEET AS NEEDED)	

APPLICATION CERTIFICATION: I, THE UNDERSIGNED, HEREBY DECLARE THAT, TO THE BEST OF MY KNOWLEDGE, THE INFORMATION PROVIDED ON THIS APPLICATION AND ANY ACCOMPANYING DOCUMENTATION IS TRUTHFUL AND COMPLETE.

SIGNATURE	NAME OF SIGNER	TITLE OF SIGNER	DATE PREPARED
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ADDITIONAL COPIES OF THIS FORM MAY BE OBTAINED FROM OFAC'S WEBSITE AT NO CHARGE: <<http://www.treas.gov/ofac>>

ADDITIONAL INFORMATON

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**INSTRUCTIONS:**

WHERE FUNDS HAVE BEEN BLOCKED AT A U.S. FINANCIAL INSTITUTION DUE TO U.S. GOVERNMENT SANCTIONS, A PARTY WITH AN INTEREST IN THE FUNDS MAY SUBMIT THIS APPLICATION TO THE OFFICE OF FOREIGN ASSETS CONTROL FOR A SPECIFIC LICENSE TO REQUEST THEIR RELEASE.

- C TYPE OR PRINT CLEARLY, COMPLETING ALL APPLICABLE SECTIONS.
- C ATTACH COPIES OF ANY DOCUMENTS RELATED TO THE UNDERLYING TRANSACTION (E.G., INVOICES, BILLS OF LADING, PHOTOCOPY OF THE ORIGINAL PAYMENT OR TRANSFER INSTRUCTIONS, ETC.).
- C ALL DOCUMENTS MUST BE IN ENGLISH OR INCLUDE AN ENGLISH TRANSLATION.
- C FAILURE TO PROVIDE ADEQUATE INFORMATION MAY RESULT IN YOUR APPLICATION BEING RETURNED WITHOUT ACTION.
- C MAIL THE COMPLETED AND SIGNED APPLICATION, TOGETHER WITH ACCOMPANYING DOCUMENTATION AND TWO COPIES OF THE ENTIRE SUBMISSION, TO THE OFFICE OF FOREIGN ASSETS CONTROL, 1500 PENNSYLVANIA AVENUE, NW-ANNEX, WASHINGTON, D.C. 20220, ATTN: BLOCKED FUNDS APPLICATION
- C APPLICATIONS WILL NOT BE ACCEPTED BY FAX.
- C UNLESS OTHERWISE PROVIDED, A COPY OF THIS APPLICATION AND ALL RELATED DOCUMENTATION MUST BE RETAINED BY THE APPLICANT FOR AT LEAST FIVE YEARS AFTER THE DATE OF THE UNDERLYING TRANSACTION.
- C UNLESS AUTHORIZED BY OFAC, APPLICATIONS MADE BY ANY OTHER METHOD WILL NOT BE CONSIDERED.

**TERMS AND CONDITIONS:**

- C GRANTED UNDER THE AUTHORITY OF 50 U.S.C. APP. § 5(B), 22 U.S.C § 2370(A), 22 U.S.C. § 6001, AND 31CFR. PARTS 501, AND THE RELEVANT PART OF 31 CFR PERTAINING TO THE LICENSE
- C AN APPLICATION THAT HAS BEEN APPROVED, SIGNED BY THE AUTHORIZING OFAC OFFICIAL, AND IMPRESSED WITH AN OFFICIAL OFAC SEAL IS A SPECIFIC LICENSE.
- C LICENSEES SHALL FURNISH AND MAKE AVAILABLE FOR INSPECTION ANY RELEVANT INFORMATION, RECORDS OR REPORTS REQUESTED BY THE SECRETARY OF THE TREASURY OR ANY DULY AUTHORIZED OFFICER OR AGENCY OF THE SECRETARY.
- C A SPECIFIC LICENSE IS NOT TRANSFERABLE, IS NON-PRECEDENTIAL AND IS SUBJECT TO THE PROVISIONS OF 31CFR PART 501, THE RELEVANT PART OF 31CFR (PART 500, 515, 535, 536, 538, 550, 575, 585, 586, 595, 597) PERTAINING TO THE SANCTIONS PROGRAM UNDER WHICH THE TRANSFER WAS BLOCKED AND ANY REGULATIONS OR RULINGS ISSUED PURSUANT THERETO; A LICENSE MAY BE REVOKED OR MODIFIED AT ANY TIME AT THE DISCRETION OF THE SECRETARY OF THE TREASURY ACTING DIRECTLY OR THROUGH THE AGENCY THROUGH WHICH THE LICENSE WAS ISSUED, OR ANY OTHER AGENCY DESIGNATED BY THE SECRETARY OF THE TREASURY. IF A SPECIFIC LICENSE WAS ISSUED AS A RESULT OF WILLFUL MISREPRESENTATION ON THE PART OF THE APPLICANT OR HIS AGENT, IT MAY, AT THE DISCRETION OF THE SECRETARY OF THE TREASURY, BE DECLARED VOID FROM THE DATE OF ITS ISSUANCE, OR FROM ANY OTHER DATE.
- C A SPECIFIC LICENSE DOES NOT EXCUSE COMPLIANCE WITH ANY LAW OR REGULATION ADMINISTERED BY THE OFFICE OF FOREIGN ASSETS CONTROL OR ANOTHER AGENCY (INCLUDING REPORTING REQUIREMENTS) APPLICABLE TO THE TRANSACTIONS AND ACTIVITIES THEREIN LICENSED, NOR DOES IT RELEASE THE LICENSEES OR THIRD PARTIES FROM CIVIL OR CRIMINAL LIABILITY FOR VIOLATION OF ANY LAW OR REGULATION.
- C A SPECIFIC LICENSE IS ISSUED BY DIRECTION AND ON BEHALF OF THE SECRETARY OF THE TREASURY.
- C ATTENTION IS DIRECTED TO 19 U.S.C. §§ 1592 AND 1595A, 18 U.S.C. § 545, 18 U.S.C. § 1001, 50 U.S.C. APP. § 16, AND SECTION 701 *ET SEQ* (PENALTIES) OF THE RELEVANT PART OF 31CFR. PERTAINING TO THE ATTACHED LICENSE.

**WARNING!**

**MAKING FALSE OR MISLEADING STATEMENTS ON OR IN CONNECTION WITH THIS APPLICATION, ALTERING THE DETERMINATION, OR FORGING THE SIGNATURE OF THE AUTHORIZING OFFICIAL OR THE OFAC SEAL MAY CONSTITUTE SERIOUS CRIMINAL AND/OR CIVIL VIOLATIONS OF FEDERAL LAW AND MAY RESULT IN SUBSTANTIAL FINES**

PAPERWORK REDUCTION ACT STATEMENT: The paperwork requirement has been cleared under the Paperwork Reduction Act of 1980. The Office of Foreign Assets Control (OFAC) of the Department of the Treasury requires this information to be furnished pursuant to 31 CFR Part 501. The information collected will be used for U.S. Government to evaluate and process license applications submitted by applicants whose money has been blocked pursuant to OFAC sanctions. It is the policy of OFAC to protect the confidentiality of information in appropriate cases pursuant to the exemptions from disclosure provided under the Freedom of Information Act and the Privacy Act. The estimated burden associated with this collection of information is 30 minutes per respondent. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Compliance Programs Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220 and the Office of Management and Budget, Paperwork Reduction Project (OMB NUMBER WILL BE INSERTED HERE), Washington, D.C. 20503. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.